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# ADDRESSES

ON

# THE CIVIL SABBATH,

FROM A

## Patriotic and Humanitarian Standpoint,

WITH APPENDIX CONTAINING

*SABBATH LAWS OF ALL THE STATES,*

JUDICIAL DECISIONS, REPLIES TO SEVENTH-DAY ADVENTISTS, ETC.,

BY

## WILBUR F. CRAFTS,

*Author of "The Sabbath for Man," etc.*

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Your work :<sup>†</sup> kept up and kept pure will lead a ransomed nation of slaves—slaves to our modern civilization—to a exodus from the house of bondage. The Great Liberator send you victory.—*From letter of Rev. JOHN GRITTON, D. D., Sec. Lord's Day Observance Society, London.*

Experience and observation convince me that all who work with hand or brain require the rest which a general observance of the Sabbath only can secure. The philanthropist and the Christian may approach the subject from different directions ; but whether we regard man as an animal or an immortal, we should unite in securing for him the rest that body and spirit both demand for their best condition and highest good. Those who do not find the Divine command in the Book cannot fail to find it in the man.—PRESIDENT BENJAMIN HARRISON, *in letter dated June 3, 1889, to Paris Sabbath Congress.*

Laws setting aside Sunday as a day of rest are upheld, not from any right of the Government to legislate for the promotion of religious observances, but from its right to protect all persons from the physical and moral debasement that comes from uninterrupted labor. Such laws have always been deemed beneficial and merciful laws, especially to the poor and dependent, to the laborers in our factories and workshops and in the heated rooms of our cities ; and their validity has been sustained by the highest courts of the states.—*Unanimous decision Supreme Court of the United States, delivered by Mr. Justice Field, March 16, 1885.* 113 U. S. 710.

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## SCOPE AND PURPOSE OF THESE DOCUMENTS.

There are seven reasons for the Rest Day, reasons why it should be observed and preserved :

*First*—Because it is a law of nature. *Second*—Because it is a law of the State. *Third*—Because it is a law of the Church. *Fourth*—Because it is a law of Apostolic example. *Fifth*—Because it is a law of Christ. *Sixth*—Because it is a law of the world's Sinaitic constitution. *Seventh*—Because it is a law of Eden, where the "Sabbath was made for man."

The author of these documents accepts all the planks of this platform, but gladly coöperates in Sabbath reform with any who accept even one of them. In "The Sabbath for Man" all of the above propositions are defended.

These documents deal only with the civil aspects of the Sabbath, on which there is substantial agreement among all good citizens, in defense of the Rest Day against the attacks of those who would open it to toil or dissipation to gratify their avarice or their lusts, and their unconscious allies, the advocates of the Saturday Sabbath,

Of "The Secular Ground of the Sabbath" Rev. George Elliott, D.D., says admirably: "Even the religious thinker cannot be displeased to have the structure of his faith rest on the ground, although its pinnacles may pierce the clouds" ("Abiding Sabbath," p. 79). Of the same line of argument Rev. Will C. Wood says: "From eternity God knew the benefits of Sabbath rest. By the law of benevolence, as He discerned the benefits of such a sacred Rest-Day, He was obligated to ordain it; by that same law we are obligated to observe it, not because we discern its benefits, but because God, by commanding it, tells us that He does discern its benefits. Yet, while as ever-finite beings, remaining under obligation to obey God simply because it is He who commands, we come more and more and more to obey, like God, because we *see* the benefits" ("Heaven Once a Week," pp. 1, 2).

The use of the word "Sabbath" in these documents on the *civil* aspects of the subject calls for an explanatory paragraph. Sabbath is used rather than Sunday for two reasons: First, because the word Sabbath has the right of way *historically*, being the oldest term to designate a weekly rest day; second, because it is *philologically* a less religious term, for while Sunday means a day for worshipping the Sun, Sabbath means simply *rest*, not religion. The whole seventh year of the Jewish System was called Sabbath. It was not all worship. Sabbath means simply a period of release from routine, a time of orderly rest, and so is a far more suitable word to describe what is intended by our Sabbath laws than the word that is so inseparably associated with the toil and dissipation of the "Continental Sunday."

Accordingly Sunday is used in these documents, except in quotations, only to express perversions of the Day, such as "Sunday work" and "Sunday amusements."

In England the word Sunday is generally used by those who wish to make it a holiday; "Sabbath" or "Lord's Day" by those who would preserve it as a day of opportunity for rest and religion. "Lord's Day" and "Christian Sabbath" are the suitable terms for the *religious* aspect of the subject, but "Civil Sabbath" means the Civil Rest Day, and so exactly expresses the American idea, which enforces only the rest, the cessation of labor and business, and leaves the people to devote the day to religion, or not, as they choose.

The longer documents are not essays, but addresses for the people—and in part *by* the people, as will be seen. I have not thought best to erase from the reports the expressions of public sentiment, which are an important factor in the solution of Sabbath problems.

W. J. C. Berry, Librarian of the New York Association of the Bar, has aided in editing for these documents what we believe to be the first complete collection of the Sabbath laws of the United States and the important Court decisions upon them, giving text of each law, and decisions in form for legal use, all brought down to date. I have added some suggestions of amendments and other notes.

Such a collection is greatly needed, not by lawyers alone, but also by ministers and other friends of the Sabbath, who can seldom tell exactly what their Sabbath law forbids and what it permits.

Wilbur F. Crafts

NEW YORK CITY, April 4, 1891.

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## THE SABBATH IMPERILLED BUT NOT SURRENDERED.

*The Interior, Chicago*: "Sabbath observance is undeniably gaining ground."

*The Advance, Chicago*: "We recall no time when the managers of railroads were apparently so willing, and in some cases, so eager, to lessen Sunday traffic. Agitation is bearing its fruit."

*The Evangelist, New York*: "There are not wanting some signs of a healthful reaction."

*The Independent, Burlington, Vt.*: "The movement seems to gain strength everywhere."

*State Register, Des Moines, Ia.*: "There is plainly a reaction in public sentiment in favor of refraining from all unnecessary work on the Sabbath. A few years ago business began to follow pleasure in encroachments upon the day of rest, and a vast amount of work has been done on Sunday that has been called necessary, only because habit had seemed to make it such. Within the last few months there has been a manifest change in public feeling on this subject. The absolute importance, from a physical, if not religious, standpoint, of taking one rest day in seven, is forcing itself upon the public mind. Men are beginning to see that they can do better work themselves, and can get better service from their employees, when they give the mind and body the regular relaxation of one day's rest."

CHARLES WORCESTER CLARK, (in *Atlantic Monthly*, Sept., 1889): "In insisting on liberty of action as well as of conscience, we overlook the fact that our manner of using our Sunday freedom often deprives others of theirs. A hundred years ago, or even fifty years ago, there was little danger of this. Then nearly every man was his own master, and could work or not on Sunday, as he pleased. In our present social system, the employed are the multitude, the employers the few. The enlargement

and concentration of industry have reduced to a small proportion of the whole community the number of those who can decide the question of Sunday labor for themselves. In this way it has naturally come about that the avarice of employers, combined with the selfishness of the public, has been gradually depriving more and more of the workers, and often the hardest workers, of their rest-day. If our Sunday, then, is to be preserved, it must have the protection of the law. Yet experience has shown clearly enough that law avails little without the support of public sentiment. That the great majority of the American people do appreciate their day of rest, and desire to protect it, I think is beyond dispute. The petition lately presented to Congress, known as the "fourteen-million petition," though it had by no means that number of actual signers, probably represented the sentiments of almost every one of those whose delegates or representatives signed it for them, as well as of those who personally affixed their names."

*Commercial Gazette, Cincinnati*: "Unquestionably the business world is coming to the conclusion that the Rest Day is an economical feature that can not safely be disregarded. Man needs rest, machinery needs rest, the brute creation needs rest, land needs rest. The principle is broad, deep, enduring."

*Toledo Blade*: "Each year finds more Sunday labor done in our cities, and the tendency in this direction gains momentum steadily. It is time to call a halt."

*Christian Advocate, New York*: "Eternal contention is the price of preserving anything from the encroachments of selfishness and license."

BISHOP KINGSLEY (on return from extended tour): "Brethren, there are a good many hard day's work between this and the Millenium."



# PROGRESS OF SABBATH REFORM IN THE UNITED STATES IN 1889.

AN ADDRESS BY REV. WILBUR F. CRAFTS,  
IN ASSOCIATION HALL, 86TH STREET,  
NEW YORK CITY, DEC. 29TH, 1889:

At Jabez Bunting's funeral, when the officiating minister remarked, as is usual on such occasions, "There are no more such great and good men left," an eccentric but veracious woman exclaimed aloud, "Thank God, *that's a lie.*" The same remark is appropriate when any pessimist moans, "The Sabbath is gone." "Thank God, *that's a lie.*" "He that ploweth, should plow in hope." "We are saved by hope." We are lost by despair. Truth has no greater foe than the distrust of some of its friends in its power. When David, pursued by Saul, had no other encouragement, "he encouraged himself in God." He sang, "The Lord reigneth, let the earth rejoice." In a storm at sea, a trembling woman asked the captain, "Is there any danger?" He replied, "We must trust in God," at which she exclaimed, in terror, "Has it come to that?" It has *not* "come to that," in the sense she meant it, in Sabbath reform. Joshua received almost simultaneously from God and the people the message, "Be strong and of a good courage." So to-day not only the promises of God but the events of the year in Sabbath reform cry with a thousand tongues to its friends, "Be of good courage."

No other year of the last twenty-five has seen so many petitions against Sunday work, the organization of so many Sabbath associations, the fighting of so many brave battles against Sunday saloons, the winning of so many victories under the banner inscribed, "The Barber's Sunday," the writing of so many articles and letters, and the utterance of so many fearless addresses and sermons, in behalf of this imperiled day, as the year now about to close. This is the *Annus Mirabilis*, the year of wonders, in Sabbath reform—and in Sabbath-breaking also.

Let us glance at some facts of the year that show that the Sabbath, though imperiled, is *not surrendered*.

New England has not in this reform kept its usual place, at the head, but leads the other end of the class. The real New England has "gone West," and the Central States are the "hub," nay more, the *heart*, of the country, morally as well as geographically. I do not mean to say that the Sabbaths of New England are as bad as those of Chicago. Vermont is the only State in which the Woman's Christian Temperance Union has no Sabbath Observance Superintendent, the reason being, that whatever may be the wrongs in Vermont, Sabbath-breaking is not one of them. This can not be said, however, of other New England States, although none of them are as far down the toboggan slide as States farther West. The point I make is that New England is in peril from Sunday work and Sunday dissipation, and is doing next to nothing to save itself or the country from this danger. It seems to be sliding in its sleep, waiting to be waked up by a smashup at the foot of the hill, like Cincinnati. In Sabbath reform, New England is slowly retreating, while the Central States are charging the foe. The only conference of ministers, so far as I know, that has declined to indorse the petition to Congress against Sunday trains and Sunday mails was convened in New England. Massachusetts passes by on the other side, indifferent to the wounds inflicted on her Sabbath law, which, not long ago, fell among thieves, who mangled it and stripped it, in the interest of greed and lust, and left it more than half dead because every drop of equity had flowed out of it. It forbids the poor to open their penny shops on the Sabbath, but authorizes the railroad millionaires to sell their tickets and keep their employees at work. "*God save the Commonwealth of Massachusetts.*" New England is the only section of our country where you can find half a dozen contiguous States, none of which have organized for the defense of the Sabbath. New Hampshire is the only one of her States that has yet even decided to fall into line.



But even in New England the Sabbath is by no means surrendered. A representative of the American Sabbath Union has been welcomed to leading pulpits of Bridgeport, Worcester and Boston, and a Sabbath Committee was constituted in the latter city, whose history or obituary is yet to be written.

The following action was taken by the Congregational National Council at Worcester, Mass., October, 1889: "Resolved, That this Council rejoice in the rising tide of interest in the matter of a better observance of the Lord's Day, in the multiplication of State and local organizations for the promotion of this object, and that we will use our utmost endeavor to secure such National legislation as shall prevent all unnecessary labor in connection with the United States mail and military service and interstate commerce on the Lord's Day."

Connecticut has held, for another year, with only slight loss, its advanced place as "the banner State" in reduction of

#### SUNDAY WORK ON RAILROADS.

The banner, indeed, is not on the heights, but in the marsh. For railroad purposes in Connecticut, as for saloon purposes in Texas, wiser-than-Solomon State legislators have decided that not twenty-four hours, but a sacred seven, half on each side of noon, shall constitute the Rest Day. Freight trains, with certain needless exceptions, are forbidden from sunrise to sunset, but such trains as may be worked by "Mercy and Necessity," the Railroad Commissioners may permit on Sabbath morning, and so milk trains and newspaper trains are allowed, on the ground, I suppose, that it is as necessary for men to have their scandal, fresh as for babies to have fresh milk. Even Connecticut's star, you perceive, does not shine with unclouded light, but there is at least circumstantial evidence that the Sabbath is not there surrendered in the fact that they are able to defend, year after year, the ten thousand railroad men from whom even their imperfect law struck the iron chains of their Sunday slavery.

#### LIGHT ON THE PROBLEM OF GREAT CITIES.

Best of all tokens for good from New England is the fact that in Boston the Sabbath is no longer the pocket borough of the Saloon. This is due to the fact that the State of Massachusetts has learned, what all other States that contain great cities must learn—at last if not at first—that it will not do to give home rule to a cancer. The city that elected the sluggers' friend to be its mayor, at the same time elected the State to be its real ruler. Putting the lance to the very root of the disease, Massachusetts took upon herself the appointment of Boston's Police Commissioners, and so of her police. "The lawless had been saying for years, "Let us appoint the city's police and we care not who makes its laws." State law is now made effective by State police. The State, as it were, has sent maps to the city fathers—stepfathers they are—to teach them a geography lesson they had failed to learn, namely, that Boston is in the State of Massachusetts and subject to its laws. We often hear it intimated that this or that State law can not be enforced in a large city because the city council has refused or failed to re-enact it into a city ordinance. As well say that a group of children are not bound to obey a parent's order because they have not met and ratified it. The Massachusetts Law and Order League, of which L. Edwin Dudley, of Boston, is Secretary, through the leverage of this State law, which the League was largely influential in securing, have been able to close the saloons of Boston on the Sabbath, front and rear, to an extent that is rarely equalled. Such a law and such a League is needed for every large city.

Turning to what are absurdly called "The Middle States," which are really the breast bone of our territory, under the New England head, the record is only slightly better than New England's. New York, like Massachusetts has left her mangled Sabbath law through another year unhealed. Barred windows would have been appropriate for the Capitol in 1883, when the "inmates" (not true

legislators) committed high crimes against humanity and equity, after first forbidding Sunday toil and traffic in general, by permitting the sale of tobacco, newspapers, fruit and confectionery all day, and food until 10 A. M. Even in the "Sunny South," in Summer, it has not been found necessary to keep the journeymen bakers and grocery boys toiling through the morning of the Rest Day; much less is it necessary in New York. I spent the first Sabbath of the year, and another since, investigating New York streets, and there is scarcely any kind of toil or traffic that I did not find in progress somewhere. I started out to write down a list of the places *open*, but found it would be easier to make a record of the places *closed*.

#### ONE IMPORTANT VICTORY FOR SABBATH REFORM IN NEW YORK CITY

is the recent payment to the Metropolitan Museum of the \$400,000 appropriated to it by the State Legislature, which struck out a condition that it should open on Sunday—a condition which the Mayor, attempting to swell into a whole legislature, restored on his own authority, but, after much bulldozing of the trustees, has had to drop at last. It is to be hoped that he and other mayors will cease their attempts to veto State laws.

A movement promoted by some owners of New York horse car lines, to have the companies cut off one Sabbath per fortnight as a morsel of rest for the employees, *with a corresponding reduction of wages*, seems to have satisfied neither the men nor the managers, and the public has heard of no result. It is not fair to make a man choose between two dollars for home comforts and his duty to rest. Men do better, if not more, work, with a Sabbath of rest than without it, and therefore ought to have as much pay. In fact, the law ought to allow no one, even in works of necessity and mercy, to hire another or be hired for more than six days in any one week, one whole twenty-four hours, or two half days being allowed for rest, which would give all men their full week's wages for six days' work. To-

ronto proves that Sunday street cars are not works of necessity. If the majority that rule in our land think otherwise, they should at least give every employee twenty-four hours a week of release, a part of it on the Sabbath—for instance, one shift resting from 1 P. M. of Saturday to 1 P. M. of Sabbath, and then the other to 1 P. M. of Monday.

In contrast to the failure just mentioned, we note the success of Col. Elliott F. Shepard, in stopping the Sunday work of the 5th Avenue Stage Line. The transportation business of this country is a car of Juggernaut, under whose wheels a million and a half are being crushed by Sunday work. It is pleasant to find one "Stagery" that will not pull at its ropes. In this connection, it should be mentioned that the Binghamton Sabbath Association, one of the most efficient local Sabbath Associations in the land, is making a specialty of "Sunday Rest for Railroad Men," circulating a paper so headed, and otherwise seeking to check this mighty and destructive car.

In the observance of the Rest Day, the "Keystone State" is indeed at the highest point in the arch of States. (The whole arch is, however, a low one.) While other States have surrendered part of their Sunday laws, under the attacks of selfishness, Pennsylvania retains the *magna charta* of her toilers intact, and—what is more—enforces it. Among the large cities of our country, Pennsylvania's three chief cities, Philadelphia, Pittsburgh and Scranton, though their largest room is "room for improvement," are unequalled in the orderliness and restfulness of their Sabbaths. Philadelphia's Sabbath Association is the oldest, and one of the best, in the land. Philadelphia's *Ledger*, the best morning paper in our country, equaled in quality by none, and in financial prosperity by only one, has shown that Sunday editions are not necessary to success. In the same city, the greatest merchant in the world has proved that even worldly winning does not require Sunday advertising. And the Delaware, Lackawanna and Western Railway, whose headquarters are at Scranton, though it has not yet

attained perfection on this point, has the best record of any trunk line in the matter of reducing

SUNDAY TRAINS,  
largely through the influence of Hon. Wm. E. Dodge.

The Pennsylvania Railway is also to be commended for introducing the recent movement to reduce Sunday railroad work, in which nearly a score of railroads—notably the Vanderbilt lines—have joined, and by which, as Chief Arthur of the Brotherhood of Locomotive Engineers estimates, at least 75,000 railroad men have this year been added to the list of those who rest on the Sabbath, and four times as many in their homes have been gladdened. This, of course, is only a beginning—hardly more than a confession that the railroad corporations, in this Sunday work, are on the wrong track. It is like the case of the tippler who finds that his beer makes him “dizzy,” and so cuts down his daily allowance from thirty glasses to twenty-seven. What we want in this matter of Sunday work is total abstinence.

It will be appropriate to mention here, though belonging to the whole country, as one of the pleasant surprises of the year, a group of confessions from sixty-five railroad officials. In response to a list of questions, these presidents, superintendents, managers and other high officials of the railroads, with only nine exceptions, admit that there is “more Sunday work done by railroads than is necessary;” that the work could be “lessened without loss either to the roads or to the public;” that “the railroad work now done in seven days could be done in six”—some would make exceptions for perishable freight and live stock. Many of them believe “the work could be done *better* in six days than in seven, because of the better condition of the engineers and other employees.” Best of all, thirty-one declare that there is no real obstacle to “the complete suspension of interstate Sunday trains.” The answers of most of these indicate that they see no obstacle to stopping all Sunday trains. One railroad president concisely proclaims the

remedy for this needless Sunday work: “The only way is to have a special act of Congress making it a general law.” Many of these officials have signed the petitions for such a law. Here certainly are several wonders. It is a grateful surprise to many that the railroad officials are not generally to join with the infidels and saloonists and Sunday papers and Seventh day Adventists in resisting the plea of the workingmen for a Sunday Rest Law.

The best Sabbath-keeping section of the United States lies along our Eastern Coast between Delaware and Mississippi. This is partly due to the fact that so few noxious weeds are transported to that section from Castle Garden. Politicians there have no “German vote” to fear. Southern mechanics are mostly Americans, and the negro laborers are friends, not [foes, of the Sabbath.

THE SOUTH IS “SOLID” FOR THE SABBATH.

Rum and railroads, however, with the aid of the United States mails, are making ugly breaches in the wall of Sabbath rest, and the “New South’s” manufacturing attractions bring new perils with new gains, which make it important for the friends of the Sabbath there to organize more thoroughly for its defense.

Baltimore calls to mind the National Lay Congress of

ROMAN CATHOLICS,  
which, after correspondence and conference with the American Sabbath Union, passed its famous resolution in favor of cooperation with Protestants in Sabbath reform, of which the following is a full and correct copy:

“There are many Christian issues in which Catholics could come together with non-Catholics and shape civil legislation for the public weal. In spite of rebuff and injustice, and overlooking zealotry, we should seek alliance with non-Catholics for proper Sunday observance. Without going over to the Judaic Sabbath, we can bring the masses over to the moderation of the Christian Sunday. To effect this, we must set our faces sternly



against the sale of intoxicating beverages on Sunday. The corrupting influence of saloons in politics, the crime and pauperism resulting from excessive drinking, require legislative restriction which we can aid in procuring by joining our influence with that of the other enemies of intemperance. Let us resolve that drunkenness shall be made odious, and give practical encouragement and support to Catholic temperance societies. We favor the passage and enforcement of laws rigidly closing saloons on Sunday and forbidding the sale of liquors to minors and intoxicated persons."

Washington is associated with four of the wonders of the year—one on the dark side—the darkest of the year—

#### INAUGURATION SUNDAY.

Is it not a wonder that the coming to power of a Sabbath-keeping President should have been celebrated by an attack upon the American Sabbath, not by soldiers and citizens only, but by Congress also. The greatest wonder of all is that the Christian men of Congress did not, as on a former occasion, prevent a Sunday session, by denying the right of Congress to require Sunday work of any of its members, and retiring in a body and so destroying the quorum. Instead of such a protest, there was only the shallow jest, called up by a Sunday motion relating to the Sunday Rest Bill that it was not proper to work on such legislation on the Sabbath.

It is not generally known that Congress publishes by the Sunday toil of government employees, the most inexcusable of all Sunday papers, the Sunday edition of the *Congressional Record*, which has not even the poor excuse of furnishing news and light reading, for it contains only the Saturday proceedings of Congress, which our Statesman would have as much time to consider as those of other days if it was issued on Monday. Congress is responsible also for the only Sunday delivery of ordinary mail that can be found in the land. Wagons drive about the streets of Washington on Sabbath morning, carrying to Congressmen, who certainly

need a day for rest, if not religion, the letters of their constituents calling for seeds and "spoils." These wagons are not driven by uniformed carriers, but it is doubtless this precedent that has led to the Sunday delivery of ordinary mail by carriers at the hotels of Washington while hotels elsewhere can get their Sunday mail only by sending for it. This custom will have to be stopped or extended to an impartial Sunday delivery for all citizens, with unmerciful and unnecessary Sunday toil for all carriers.

Thank God, if we have not a Sabbath-keeping Congress, we have at least a Sabbath-keeping President and cabinet.

The following is the full text of the President's Proclamation against

#### SUNDAY WORK IN THE ARMY.

General Orders, No. 50.

#### HEADQUARTERS OF THE ARMY,

ADJUTANT GENERAL'S OFFICE,

WASHINGTON, June 12, 1889.

The following order of the President is published for the information and guidance of the Army, viz.:

EXECUTIVE MANSION, June 7, 1889.

In November, 1862, President Lincoln quoted the words of Washington to sustain his own views, and announced in a general order that—

"The President, Commander-in-Chief of the Army and Navy, desires and enjoins the orderly observance of the Sabbath by the officers and men in the military and naval service. The importance for man and beast of the prescribed weekly rest, the sacred rights of Christian soldiers and sailors, a becoming deference to the best sentiment of a Christian people, and a due regard for the Divine Will demand that Sunday labor in the Army and Navy be reduced to the measure of strict necessity."

The truth so concisely stated cannot be too faithfully regarded, and the pressure to ignore it is far less now than in the midst of war. To recall the kindly and considerate spirit of the orders issued by these great men in the most trying times of our history, and to promote contentment and efficiency, the President directs that Sunday morning inspection will be merely of the dress and general appearance, without arms; and

the more complete inspection under arms, with all men present, as required in par. 950, A. R., 1889, will take place on Saturday.

BENJ. HARRISON.

By the President:

REDFIELD PROCTOR,

Secretary of War.

By command of Maj. Gen. Schofield:

J. C. KELTON,

Official: Adjutant-General.

We need a law of Congress to make this reform permanent, lest it shall expire, as did a similar proclamation of Andrew Jackson, with the expiration of the authority of its author.

To our "regulars," Sunday parades are not even Sunday amusement. They are "works of gain," and as such should be intermitted on the Sabbath out of regard to the soldier's right to rest and his rights of conscience. When there is neither war nor insurrection, no Sunday work, except necessary guard duty, should be required of soldiers. Washington and Lincoln and Lee, even in the midst of war, ordered that their soldiers should be relieved of all unnecessary work on the Sabbath. In these "piping times of peace" the United States army and navy are small affairs, but a correct example on the part of the Government as an employer is a very great matter.

POSTMASTER GENERAL WANAMAKER

has won golden opinions, even among political opponents, especially in the South, for what he has done to diminish Sunday work. He has emancipated not a few from Sunday slavery by the four reductions he has already made—in the Department, on "Star routes," on pleasure routes, and in the money order division—and will doubtless do much more in this line; but, in any case, law will be needed, if only to make his reforms outlast his own term.

In his first report to Congress, which contains two pages on "Sunday Mails" (pp. 23-4), he plainly intimates that reductions of Sunday work in the post-offices will be very difficult and very slight so long as the railroads are required to dump their loads of mail into

the offices on the Sabbath as on other days.

Washington also brings to mind three other encouragements of the year. When the 50th Congress adjourned on the 4th of March it had received petitions for a law against needless Sunday work in the mail and military service and in interstate commerce, and in the District of Columbia and the Territories, that represented more than

TEN MILLIONS OF ADULT PETITIONERS,

besides Cardinal Gibbons, whose name certainly weighs much in such matters whatever it counts. This petition is surely a wonder, being the largest ever presented to any government, and the only one in which labor organizations and churches of all creeds have generally united.

Since the 4th of March the army of petitioners has been increasing daily. The most important of the new endorsements are those of three out of the four chief ecclesiastical bodies of the South, namely the Southern Presbyterian and the Cumberland Presbyterian Assemblies and the Southern Baptist Convention, which followed the example of the Northern Presbyterian Assembly and various Methodist Conferences that had taken like action during the previous year. The resolutions of the three Southern bodies this year are as follows:

The Sabbath Observance report adopted by the General Assembly of the Cumberland Presbyterian Church, on May 23d, 1889, contained the following: "Expressions of sympathy with the petition to Congress for a law against Sabbath work, so far as the jurisdiction of the general government extends."

The Southern Presbyterian Assembly, on May 25th, "Resolved, That we favor the signing by our people the petitions to Congress for a law against Sunday work, except works of necessity and mercy, so far as the jurisdiction of the general government extends, with the usual exceptions in favor of those who observe another day of the week as Sabbath."

The Southern Baptist Convention,

representing a round million of members, on May 14th took this action: "Whereas, the American Sabbath Union is laboring to secure such National legislation as will allow to all employees of the National Government one day in seven as a day of rest: therefore Resolved, That we fully sympathize with this important object of the American Sabbath Union, and request our brethren to promote its work, so far as may be practicable."

The Southern Methodists have given abundant evidence, in the co-operation of their bishops and pastors and churches in this movement, that when their General Conference meets next May it will add to the endorsements of the other Southern denominations its grand Amen.

Another wonder, closely allied to this, is the fact that the last Congress published a larger number of the hearings on the Sunday Rest Bill (42,000) than it published of any other public document, except the Agricultural Reports. That the six-day laws, the Sabbath laws, are the most important part of labor reform in the estimation of the people is shown by the fact that their multitudinous letters to Senators and Representatives brought them twelve thousand more copies than had been issued at public expense of the most popular of preceding labor documents.

It is said in excuse for Sunday trains that the people "demand them." Why do not some of these apologists discover this marvelous demand for their discontinuance?

Another conspicuous wonder of this year is the American Sabbath Union, which was launched at Washington a year ago. It originated in a petition to the Methodist General Conference, which met in the previous May, asking it to take the initiative in forming a National society for the defense of the Sabbath, to be constituted by official representatives of the Evangelical churches, whose "Union" in this matter should offset the "League" that had just been organized by the foes of the Sabbath under the banner of "Personal Lib-

erty." The Methodists acted accordingly, followed by the Baptist Convention, five Presbyterian Assemblies, the Reformed (Dutch) Synod, and the Lutheran General Synod. The other Evangelical churches are expected to do likewise when their supreme councils meet, but they are all unofficially represented already in the membership. This "organic union," for work partly legislative, of Presbyterians, North and South; this "Pan-Presbyterian Council" which does not promise not to vote as well as talk; this organic union of Methodists, North and South, white and black; this successful union, to prevent the heathenizing of America, of those churches that have not yet succeeded in uniting to Christianize Japan; this co-partnership of intense Republicans with Southern leaders; and the co-operation this union has established, outside of its membership, on the basis of a broad humanity with the leading labor organizations and the Catholic Church—this is surely as wonderful a "union" as the centuries can show.

The back-handed compliment, often bestowed upon reformers, of having zeal but not discretion, cannot fairly be given to the present leaders of what is called "The Sunday Rest Movement" in view of the wonderful union they have secured between labor organizations and churches of all creeds on a subject about which there have been earnest controversies even among evangelical Christians.

There is vast encouragement for the friends of the Sabbath in such an unprecedented union for its defense. In New Orleans, on Thanksgiving Day, at the State Sabbath Convention, managed by the editor of the *Southwestern Presbyterian*, there sat together, as equal delegates, sharing in voting and speaking and in the offices, whites and blacks, Protestants and Roman Catholics, capitalists and representatives of labor organizations. Together they formed the Louisiana Sunday Rest League. A still more satisfactory convention was that of the Ohio Sabbath Association, at Cleveland, in which one



afternoon was filled with the following significant list of topics and speakers :

"Christian Leadership in Sabbath Keeping," Prof. W. G. Ballantine, of Oberlin.

"What Railroads are Doing and Ought to do for Sunday Rest," P. M. Arthur, Chief of the Brotherhood of Locomotive Engineers. (Mr. Arthur was detained, but Mr. Everett, next in rank, took his place.)

"The Pennsylvania Company's Policy with Reference to Sunday Excursions and Sunday Rest," John Thomas, Gen'l Agt. Penn. Co.

"Roman Catholic Coöperation in the Sunday Rest Movement," Manly Tello, Editor of the *Catholic Universe*.

"The Barber's Emancipation from Sunday Work by Last Night's Action of City Council"—addresses by two barbers, one white, one black, and their attorney.

No other moral reform has ever brought these elements of our population into such coöperation. Surely Congress ought not to reject a petition representing such a union of good citizens for the defense of a National institution. Our petition asks Congress, for one thing, to enact

#### A SABBATH LAW FOR THE DISTRICT OF COLUMBIA.

The other day, in the streets of Washington, a squad of laborers were required to do Sunday work on a street railway. Noble men and women made their humane protest to the Commissioners of the District, who, on examination, found that the District of Columbia has no Sabbath law, not even enough to stop servile toil on the God-given Rest Day.

This puts the Capital, with France and California, outside the pale of Christian civilization, which everywhere, save in the three places named, and in Alaska, Idaho and Arizona, has Sabbath laws. The Commissioners desire Congress to enact a Sabbath law for the Capital. To me they expressed the appropriate desire that it might be either the best Sabbath law to be found in the statutes of any

State, or else a better one than any of them made by combining the best elements of several codes. The Congress that rules the Capital is made up of the picked legislators from all the State legislatures. It is fitting, therefore, that the laws of the Capital should be a mosaic made up of the choicest paragraphs from the statutes of the States. Alas, the two hundred thousand people who have no law makers save Congress have to complain that they are the worst governed people in the land. The Capitol, spelled with an o, has turned its back, in more than an architectural sense, on the Capital, spelled with an a.

The President promises to do what he can to secure from Congress the desired law. The most eloquent of Congressmen consents to prepare, introduce and defend it, and let all the people say Amen.

The Southwest is more Western than Southern in its Sabbaths. The French Catholic planters of Louisiana, finding that Sunday saloons kept their employees from work, not only through the sulphurously "blue Monday," but at length through a pale blue Tuesday also—two whole days being required to bring them back from their Sunday "recreation," so leaving but four days a week for work—enacted a Sabbath law in 1886, from purely commercial motives. Thus Louisiana refuted, without religious argument, the fallacy of the Seventh-day Adventists, who would have the weekly rest to be arranged by voluntary agreement between dealers and customers, between employers and employees. This plan Louisiana weighed and found wanting. The new law, however, is very defective in permitting most of those who have useless or harmful things to sell to have a whole day's start in the race for the Saturday night wages over those who give "money's worth" for what they receive. The law needs amendment, but probably will have to fight even for life. I do not anticipate it will be killed. Riding southward from the Baltimore Lay Congress, a Louisiana delegate said to me, speaking of the Sunday saloon resolution, "That will

prevent the repeal of the Louisiana Sunday laws."

Texas needs a new Sabbath law to change the so-called "State" from a "town-heap" into a real State, with State sovereignty, not town sovereignty or saloon sovereignty, over trade and toil and turmoil. Dallas, for instance, is given by the State the power to close or open saloons and other places of labor and business on Sunday by city ordinance, and so the city Solons have decided that a sacred seven hours is long enough for the Sabbath, and close saloons only from nine to four o'clock. Even during those seven hours I counted twenty-nine kinds of business (not twenty-nine places) in operation. Organizations have been formed in Dallas, Fort Worth and Gainesville (and one or two State Sabbath Associations are talked of) to lift the Sundays of Texas out of "Botany Bay," from which the rest of the week in Texas has been lifted by the better grade of settlers who have thronged into it in recent years.

The Rocky Mountain States and Territories are more generally organized than almost any other group. Three years ago but two States were organized, namely, Maryland and New Jersey. (There were also city organizations in Philadelphia, New York and Chicago.) When the American Sabbath Union began its work at the opening of this year there had been added to the list of organized States, Illinois, Iowa, Dakota and Kentucky. The American Sabbath Union has since assisted in organizing Ohio, Virginia, Missouri, Minnesota, Colorado, Wyoming, Montana, Washington, California, New Mexico, Kansas, Louisiana, Pennsylvania (Western), and Wisconsin, besides county and city associations.

New Hampshire, Arkansas and Oregon have taken the preliminary steps.

Montana will greatly need her association. It is one of the four States where Sunday saloons are not forbidden; nor is common labor. Now that the Territory has become a State, the country will expect it to put away its

wild oats and "Wild West" and "settle down" to civilized ways—otherwise the best people will not settle in it.

Beautiful Denver has this year made a noble fight against the saloons, with at least partial success, led on by the *Daily News*, which has distinguished itself, like the *Daily News* of Chicago, and the *Times-Star* of Cincinnati, as one of the few newspapers that has dared to be a leader in Sabbath reform.

As to the Pacific States, in Portland, Oregon, the "heathen Chinese" sell all kinds of provisions on the Rest Day, but the parallel American street is more heathen still in opening all its saloons. In Sacramento five-sixths of the shopkeepers on the principal street do seven days' work for six days' profits. San Francisco (in this respect like New York) allows even its ten-cent shows to corrupt the youth on Sunday. California has also been the headquarters of the attack upon the Sabbath—the Seventh Day Adventists' chief publishing house being located there. It is certainly a wonder both to angels and to men, that in the assault upon the Sabbath of rest during this year, while saloonists and infidels and Sunday papers and Jews have formed the second rank, the front rank has been occupied by two professedly Christian sects, the Seventh day Adventists and the Seventh day Baptists. The stenographic reports of the speeches of their champions at the hearing on the Sunday Rest Bill, show that "they fight as one that beateth the air," against "a union of church and State." It is certainly a wonder to see intelligent men, in this century, fighting so excitedly against mediæval castles in the air; to hear Christian men argue for the general adoption of "the no law plan," that has wrought such horrors of Sunday dissipation and Sunday toil in Louisiana, California and Continental Europe. Not only Sunday work and dissipation, but fidelity in fighting them also, is greater in the West than in the East. California has the dishonor of being at the foot of the list of States, indeed out of the list, in having no Sabbath law, but it is at the head of

the list in contributions for Sabbath reform, if one individual gift be left out of account.

But the grandest fighting of the year has been at Cincinnati. About a year ago its Evangelical Alliance appointed a committee of ten ministers to see what could be done about the Sunday saloons. They took to themselves ten laymen. Subsequently two more persons were added and an executive committee of twenty-two was formed to execute the Sunday saloon. They drew up the following agreement for signatures of a larger honorary "Committee of 500" to back them:

"We, the undersigned, being convinced that it is essential to the material and moral prosperity of the people of our city that our civil laws respecting the first day of the week, commonly called Sunday, be faithfully enforced, agree to become members of a committee of Five Hundred, who shall co-operate to secure the nomination and election of such municipal officers as shall pledge themselves to the faithful enforcement of these laws."

Each of the twenty-two carried a little blank book containing this agreement, and gathered endorsers until the so-called "Committee of 500" was really a committee of 2,500. Public meetings were held, in which the American Sabbath Union had a part. When party caucuses occurred the Committee got as many of its members as possible sent as delegates to party conventions. Unable to get either party to put up a full list of worthy candidates, the Committee selected the best out of both, two good judges and a prosecutor, and as the Committee held the balance of power, it elected all three. Neither candidate for mayor was worthy and they voted for an independent candidate who was not elected. The sequel has shown that the City Court is more important than the mayoralty. The Committee sent out its brave agent to collect evidence. No one calls such a man a "spotter" except one whose own character is spotted. When it was found that even rich liquor dealers would be taken to the

lock-up if found violating the laws, there arose a saloon rebellion, by deliberate vote of a whole brigade of saloonists, which hastened instead of delaying the end. At the end of July the two thousand liquor dealers of Cincinnati, in the person of their attorney, fell on their knees and begged pardon and promised to be good.

The peace that Cincinnati enjoyed for several Sabbaths was unprecedented. The average Sunday arrests fell from 100 to 6. Defects in the jury law prevent the victory from remaining as complete as at first, but when a new legislature has made a new jury law in the interest of justice the plucky Committee of Five Hundred will make their final victorious charge. Then this noble five hundred will need a Tennyson to tell the whole story of the bravest fight made in recent years in a bad, big city against the Sunday saloons. Even the imperfect victory has been a rallying cry in all the great cities of our land.

It is worthy of note, in view of the carelessness of many in speaking of Germans and Lutherans as if they were all saloonists and Socialists and opposers of the Sabbath, that the banner church in the Cincinnati fight against the saloons was the Lutheran Church of which Rev. E. K. Bell is pastor, whose every male member, of age, was down in black and white in the roll of the "Committee of 500." In this connection it is appropriate to note the following resolution, passed by the General Synod of the Evangelical Lutheran Church on June 21st, 1889: "Resolved, That we hereby indorse the petitions to the two houses of Congress asking for a law against needless Sunday work in the Government's mail and military service, and in interstate commerce, and in the District of Columbia, and the Territories, and we authorize the presiding officers to sign the two petitions in our behalf."

I hardly need to say that in all the battles for the Sabbath our white plume of Navarre is the white ribbon of the Woman's Christian Temperance Union, whose Sabbath observance department, in charge of Mrs. J. C. Bateham, was



the first brigade to enlist in this new crusade for the Sabbath and is still the best.

It is hardly a good omen of the speedy coming of Bellamy's ideal republic of unselfishness, that while the transcontinental trip has been cut down, in recent years, from seven days to six, and this year from six to five, the thought has not entered the brains or hearts of either railroad manager or travelers, that this gained day should be given to railroad employees for their Sabbath rest. All gains must go to selfishness, none to humanity.

None need the Rest Day more than those on long journeys, and therefore many people, if not most, would prefer a train that stopped for the Sabbath at Cincinnati or Chicago or St. Louis or Omaha or Denver—those who wished remaining in the Pullman, with no change of baggage—immigrants staying in their cars with no cost except a trifle extra for their lunch basket—each finding rest either in churches or elsewhere, and so reaching San Francisco in good condition, saving a doctor's bill or three days of good-for-nothingness at the end of the journey by resting one day in the middle.

Who are the passengers on our trains? Mostly "runners." The name is very appropriate. Even their meals have to be "run" into their stomachs by express. Gladstone's advice to chew each mouthful of food thirty-two times, they must eschew. Having been myself a "runner" for Sabbath reform for many months, I know by observation and experience that it is very unhealthy. Not only food but sleep must be "at all hours." Every runner's grip carries an apothecary shop. Commercial travelers have a better reputation than they formerly had, but they are not yet canonized. Morally as well as physically they need one day when they can neither trade nor travel.

With all that is hopeful, there is much to alarm us. Every friend of the Sabbath should become its sentinel and go about its walls to find where they are

being undermined, and how they can be best defended. I seldom find even a ministerial watchman who is not surprised when I report the result of my Sunday morning reconnaissance of the city in which he has lived for years. You have perhaps heard the story of how Macready, the actor, used to struggle with a ladder before going on the stage on some occasions, and of how he once nearly shook the life out of a scene-shifter's son who was delightfully surveying the performance from the wings. In "Fifty Years of Artistic Life," the writer adds something more to our knowledge of Macready's expedients for exciting himself to the requisite pitch. He declares that the great actor employed two unfortunate supers, whose business it was to make faces at him, tread on his toes, kick him, and otherwise provoke him until he was in a state of exasperation bordering on the demoniac. "More," he would growl, as he stood at the wing, preparing to make a terrific entry; "more, you beasts!" until an exceptionally severe kick happening to coincide with the moment for his sudden appearance, he would knock down each of his hired tormentors, and rush upon the stage like a maniac.

If a minister wishes to be aroused to preach with due earnestness against Sunday work, let him take an hour's walk before church through the business part of his city and note how many young men and boys are kept from Sabbath rest by shiftless buyers and greedy employers.

"How much do you weigh?" said a passerby to a boy. "Generally eighty pounds, but when I'm mad I weigh a ton." The easy indifference of many editors and preachers to the growing curse of Sunday toil and traffic and turmoil would give place to wholesome earnestness if they would but consider the jaded bodies, the saddened homes, the ruined souls of the two millions of Sunday slaves in our land who wait for deliverance.

For Congressman ..... of ....., Washington, D. C.

**A PETITION TO CONGRESS FOR A LAW AGAINST UNNECESSARY SUNDAY WORK IN THE CAPITAL OF OUR COUNTRY.**

The Commissioners of the District of Columbia having found no law in the District by which even servile Sunday labor could be stopped, requested Congress to provide such a law, and the President approved their request. The American Sabbath Union and the Commissioners joined in a request to Col. W. C. P. Breckinridge, of Kentucky, that he would prepare and introduce the bill, which is as follows: "51st Congress, 1st Session, H. R. 3854. In the House of Representatives, January 6, 1890. Read twice, referred to the Committee on the District of Columbia, and ordered to be printed. Mr. BRECKINRIDGE, of Kentucky, introduced the following bill:

**A BILL** to prevent persons from being forced to labor on Sunday. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be unlawful for any person or corporation, or employee of any person or corporation in the District of Columbia, to perform any secular labor or business, or to cause the same to be performed by any person in their employment on Sunday, except works of necessity or mercy; nor shall it be lawful for any person or corporation to receive pay for labor or services performed or rendered in violation of this act.

Any person or corporation, or employee of any person or corporation in the District of Columbia, who shall violate the provisions of this act, shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars for every such offense: *Provided, however*, That the provisions of this act shall not be construed to apply to any person or persons who conscientiously believe in and observe any other day of the week than Sunday as a day of rest."

*To the United States Senate and House of Representatives:* The undersigned adult residents and organizations of the town or city of ..... county of ..... State of ....., hereby earnestly petition your honorable body for the passage of House Bill 3854, entitled "A bill to prevent persons from being forced to labor on Sunday," and intended to give the same protection against Sunday toil and traffic and turmoil to the residents of the District of Columbia as is enjoyed by the constituents of nearly all the members of Congress through State laws.

[To be endorsed by individual signatures and by organizations, in the latter case by vote, in which case the name of the organization and the number of members, and the vote and date should be recorded, with the attesting signature of the presiding officer, or clerk, or both. Add more paper for **SIGNATURES.**]

EX-JUSTICE STRONG, *U. S. Supreme Court (Letter, Nov. 24, 1888)*: "I feel much interest in maintaining the Sabbath, alike for its religious uses and for its benefits to the community generally. I regard the maintenance of Sunday laws as of extreme importance, essential indeed to true civil liberty."

HON. WM. C. P. BRECKINDRIDGE, M. C., *Address at New York, Jan. 28, 1888*: "The State owes it to itself and to its present citizens, and to the generations that are to come to protect this Day on precisely the same grounds that they protect the marital relations."

"*The Sabbath for Man, Chapter III.*: "Sabbath laws are consistent with liberty in that they are laws for the prevention of cruelty to animals, in that they are laws of health, in that they are laws for increasing the National wealth, in that they are laws for harmonizing the relations of capital and labor, in that they are laws for the protection of the home, in that they are laws for the prevention of crime, in that they are laws for the protection of one of the chief historic institutions of the Nation, in that they are, in short, laws of National self-preservation."

*Christian Statesman, Philadelphia*: "No persecution has resulted from the Sabbath laws on the statute-books of the American people for the last two hundred years. On the other hand, the secular theories of government which these Adventists have so mistakenly espoused, have never given liberty to a single square foot of the earth's surface."

REV. W. W. ATTERBURY, D. D., *Sec. N. Y. Sabbath Committee*: "Marriage was formerly recognized by law as a religious institution. It is now protected by law, just like our weekly rest-day, as a natural right. The basis of our Sunday laws is thus stated by the Court of Appeals of New York: The founders of our Government prohibited a Church

establishment, and left every man free to worship God according to the dictates of his own conscience or not to worship, as he pleases. But they do not suppose they have abolished the Sabbath as a day of rest for all, and for Christian worship for those who were disposed to engage in it, or deprive themselves of the power to protect religious worshipers from unseemly interruptions. It is a law of our nature that one day in seven must be observed as a time of relaxation; and experience proves a day of weekly rest to be of admirable service to a State, considered merely as a civil institution. The stability of government, the welfare of the subject, and the interest of society have made it necessary that the day of rest observed by the people of a nation should be uniform, and that its observance should be to some extent compulsory, not by way of enforcing the conscience of those upon whom the law operates, but by way of protection to those who desire and are entitled to the day. 33 Barbour, 549-69, New York, 557."

*Christian at Work, New York, Jan. 31, 1889*: "We believe the feeling for conserving, for protecting our American Sunday is the strongly dominant feeling throughout the country. So soon as the issue is joined, and the attempt is made to disestablish our one Rest Day, so soon will our American spirit manifest itself to guard what is one of the cornerstones of our national fabric. The American Sunday is here, it has been here over two centuries, and it is here to stay."

GOV. JAMES A. BEAVER, *in Address to Y. M. C. A. Convention, Philadelphia*: "It lies largely with the Christian young men of the United States to Americanize the vast multitudes of foreign young men constantly coming to our shores. Bring them first to observe the Sabbath. These young men often have crude ideas as to liberty. Run up the Stars and Stripes in place of the red flag."



## THE CIVIL SABBATH THE FRIEND, NOT THE FOE, OF LIBERTY.

AN ADDRESS AT LOS ANGELES, CAL., IN  
HAZARD'S PAVILION, BY REV. WILBUR  
F. CRAFTS, SEPT. 1, 1889.

*Fellow-workers with the Truth, Fellow-  
seekers for the Truth :*

Coming westward, I instructed myself as to the comparative size of Eastern and Western States by cutting up a railroad map. I found that to cover California required ten Atlantic States—all of New England, New Jersey, Pennsylvania, Delaware and Maryland. As the people of California, like other Western people, are so manifestly lacking in local pride, I suggest that this deficiency be corrected in the next generation by setting the children at this map exercise, feeding the little States of the Atlantic shore to this sea monster of the Pacific.

California, no doubt, will some day equal those ten Eastern States in population and wealth, as well as in territory. Your marvelous climate alone would bring the population. On one of the recent August days, a lady in Oakland said to me that she had just made a trip to San Rafael *to get warm*. You can quickly find refuge from occasional heat at the seaside, or, by waiting a few hours, receive the cool sea air at eventide wherever you are in the State. You need, even in August and in your warmest valleys, an invention with clock attachment to lay an extra blanket on each sleeper at every stroke of the hour from bedtime till midnight.

People of California, I greet you as citizens of one of the three mighties, in extent of territory, of the United States—which three mighties are Texas, California and Montana. We used to sing, "Uncle Sam is rich enough to give us all a farm." California alone is rich enough to give a farm of twelve acres to every family of five in the land. If each man, woman and child was set in the middle of his or her two acres and the signal was given to sink down into the grass or brush, our whole population would suddenly disappear.

Surely this State will have no lack of wealth. But it will not rise by booms. It is about as safe to rise by bombs. It is dangerous to have either of these in your hands when they "go off." Raising corner lots is not your best crop. Your soil is rich, not only in precious metals, but in the gold of your peaches, your oranges, your wheat; in the silver of your buckwheat and your olive trees; in the greenbacks of your corn and vines. An Easterner is in danger of mistaking your strawberries for red apples, your peaches for cantaloupes, and your fields of pumpkins for a meteoric shower of fallen planets. (Laughter and applause.)

In the Metropolitan Museum at New York, California is symbolized by a bare and lonely maiden. If I were a sculptor I would represent her more suitably in variegated marble—in a fountain group, to picture your miracles of irrigation—as a majestic mother, of heroic figure, richly clothed, a diadem of your native gold upon her head, her robe of the royal purple of your grapes; surrounded by a great household of sons and daughters.

But extensive territory, numerous population, and immense wealth do not make a State great, only *big*, like Russia. Character is essential to greatness in States as well as individuals. California will never be one of the three *greatest* States, in the true sense of the word, until she is one of the three *best*. (Applause.) She must learn to yield not only gold, and grapes, and grain, but also, with equal abundance, honesty, morality, and charity; and these can no more be produced without the Sabbath than your fruits without water.

California is the only one of our States without a civil Sabbath. Not New Jersey, but California is the "foreign land." The only other spot in the civilized world without a Sunday law, save D. C. and three Territories, is France. If you would not be a "Frenchy" but an American commonwealth, and would draw for permanent residents the best

American families, you must cast out the French Sunday and foster

#### THE AMERICAN SABBATH.

The golden mien between despotism and anarchy is liberty. The mightiest foe of these extremes, the best friend of this golden mien, is the British-American Sabbath, itself a golden mien between the Puritan Sabbath and the Continental Sunday. Such a Sabbath is not merely consistent with liberty but essential to it. True Americans of all sections should sentinel this American Sabbath. By "true Americans" I mean what Dr. Josiah Strong calls "Americans *in spirit*." There are *real* German-American, *real* Irish-Americans. In this sense the Irish immigrant, who said he had concluded to take America for his native land, could have done so. On the other hand, some who were born Americans have apostatized by adopting the foreign saloon and its Siamese twin, the foreign holiday Sunday. Apart from all religious considerations, the true patriot should reject the Continental Sunday as the "holiday of despotism." So Hallam, the great philosopher of history, calls it, bidding us note that the despots of Europe have studiously cultivated a love of Sunday pastimes to keep the people quiet under political distresses; that is, the holiday Sunday, which is offered to us by Continentals as the very insignia of "personal liberty," is rather its substitute, the tinsel bauble which shrewd monarchs have given to the adult infants of the Continent in place of the ballot of freemen. There is no "Fountain of Youth," but the Continental Sunday is a fountain of perpetual babyhood. There is no instance of a stable, long continued popular government where the people have kept themselves in infancy by devoting their God-given Rest Day to Sunday dissipation and its twin, Sunday toil. Who would be surprised to hear to-morrow that France, of the holiday Sunday, had thrown away her republicanism, as a spoiled child throws away a toy? The revived American spirit should refuse, as the worst of immigrants, the Continental Sunday, and hold to the American Sabbath as the

very heart of Americanism. The only ism a man needs to make him defend the American Sabbath is patriotism. Some of those who make the most frantic protest against any change in the American Constitution are foremost in efforts to overthrow this chief American institution. American institutions are the roots of the American Constitution, and the American Sabbath is the very taproot of them all, supplying the people with the physical, mental and moral vitality necessary to self-government. (Applause.)

No paper that seeks to uproot this American Sabbath has a right to put the word "American" in its name.

A few days ago there appeared in your streets this notice: "Mass Meeting at Hazard's Pavilion, Tuesday Evening, August 27. 'The principles of a Sunday Rest Law' will be discussed at eight o'clock. Everybody whether now opposed or in favor of such a law, should be there." Many of you, who have heard all you care to hear from Seventh-day Adventists, were deceived into attending that meeting, supposing it was our long expected meeting in behalf of such a law. Those who come to a properly announced lecture of an opponent should hear him through, but many of you made a suitable protest against being tricked, by going out as soon as you discovered that your attendance had been obtained under false pretenses. That trick\* is a fair sample of

THE SEVENTH-DAY ADVENTIST plan of campaign. They beguile people to attend or buy a series of "Bible readings for the Home Circle," and only gradually reveal their purpose, which is not so much the conversion of sinners as the perversion of saints. They go from door to door offering for sale "a book on the Sabbath" or on history, "The Marvel of Nations," giving no clew that in both cases it is in defense of the Saturday Sabbath. They circulate a petition which gives no hint that it is in the interest of the Saturday Sabbath but is urged as a preventive of a union of church and State and other re-

\* See pages 119-126.

ligious legislation, and so secures the signatures even of Methodists and Presbyterians, but is presented at Washington as chiefly against the civil Sabbath to which many of its signers are earnestly devoted. While other denominations call their publishing houses by such names as "Methodist Book Concern," "Presbyterian Board of Publication," the Seventh-day Adventist conceal their flag under two aliases, namely, "Pacific Press Publication Company" and "International Tract Society." Instead of giving their chief paper its real name and banner, namely *The Advent Sentinel* for the defense of Adventism and the Saturday Sabbath, they disguise it under the name of "*The American Sentinel*, devoted to the defense of American institutions." You will not be surprised to know that this paper, which starts out with a false flag in its very name, judged by an issue taken at random, averages *seven mistakes per foot square*. (Applause.)

The so-called *American Sentinel* is as surely un-American as the German *Sentinel* of the liquor traffic, with which it stood in opposition to our American Civil Sabbath at the Senate Committee's hearing in Washington, and with which it opposes even Sunday closing of saloons, except in prohibition towns that close on all days. In the name of a Christian church, this *Sentinel* of the Saturday Sabbath echoes the very arguments of Ingersoll's "Secular Union," whose representative fought on the same side at that same hearing.

#### SABBATH LAWS ARE NOT RELIGIOUS LEGISLATION.

The right arm, the most important part, of the Sabbath Reform is the promotion of the religious Sabbath; its left arm, the preservation of the civil Sabbath. These two things—the Christian Sabbath on the one hand, and the American Sabbath on the other—are as distinct as my two arms, that resemble and coöperate, and yet are by no means the same. This distinction is itself an answer to most of the objections to Sabbath laws, which rest chiefly on the false as-

sumption that they are enforcements of a duty to God, punishments of a sin against God. We make no dissent from the inference that Christ's words, "Render to Cæsar the things that are Cæsar's, and to God the things that are God's," forbid Christians to enforce by civil law anything that is only a duty to God, or to punish by civil law anything that is only a sin against God. It is admitted, however, by our opponents that it is the province of civil law to enforce man's duties to man, and especially to punish crimes against man. It is exactly on this ground that Sabbath laws forbid Sunday work and Sunday dissipation, namely, as *crimes against man*. A notorious outlaw made the pious statement, "I never rob a poor man." Probably he does not kill a dead man. To rob a poor man of his purse or coat is only petty larceny. But it is grand larceny to steal the poor man's weekly Rest day, his "Home day," his Independence day Ceaseless toil is slow murder.

Sunday laws are not "religious legislation" because they come from the Bible any more than the laws against adultery, which are as distinctly a part of Biblical morality, in distinction from heathen morality, as Sabbath laws. Both the Bible and the codes of the most advanced governments, forbid murder, theft, adultery, false witness, and work on the Sabbath. Religion renders to God the things that are God's by forbidding these things chiefly as sins against God. Government renders to Cæsar the things that are Cæsar's by forbidding them as crimes against man. As a Seventh-day Adventist "Sentinel tract" against "Religious Legislation," says: "Legislation against crime is not religious legislation. It is legislation on morality *purely on a civil basis*."

Put, then, into the religious Sabbath as its water-mark the word "sin," relating to wrongs done to God, and into the civil Sabbath as its water-mark the word "crime," referring to wrongs done to man.

There are many who hold the theory—which I neither affirm here nor deny—that the State is accountable to God, as



well as the individual and the church, and should forbid itself to sin, and may therefore forbid Sabbath-breaking on higher grounds than the wrong it brings to man, but I wish to show that there are grounds enough that are purely human and humane to justify him who holds the most secular theory of government in defending the civil Sabbath. Even on the Let-alone view of government as only a police force to protect men against infringements on their rights, the civil Sabbath can be amply vindicated.

In other countries, where church and state are mixed, and in our own country in other days, the limitations of Sabbath laws have not always been clearly perceived. The noble Puritans were not able to see the error of compulsory church going, which they did not originate, but copied from their age. Even the fourth commandment does not enforce that, and the Jews, who punished working on the Sabbath so severely, never punished anybody for not worshipping. As well suppose the telephone wires can be changed back to ore as to suppose that error of the otherwise admirable Sabbath of our fathers can return. Recent Sabbath legislation has aimed only to make a *dies non*, a no day, not a holy day, an empty day, *opportunity* for worship for him who wishes to worship, for rest in other ways to others. Privilege is the very definition of the civil Sabbath. "The Sabbath was made for man," said Christ. They echo this saying who defend the Sabbath, not by appealing only or chiefly to God's will, but—to use a constitutional term—to "the general welfare." "Whose is the image and superscription?" cry the opponents of Sabbath laws; and they answer, "The Lord's," for it is called "The Lord's Day." But the Lord of the Sabbath says it was "made for man," and so stamps it "Man's Day" also. It is only man's part in the Day that American Sabbath laws defend.

A homely illustration or two will make this point clear. A shrewd Iowa farmer put up in his melon patch this sign: "Boys, do not touch these mel-

ons, for they are green and God sees you." The church exhorts men against Sunday work and Sunday dissipation because God sees and will punish; but the State forbids these things because they are unhealthy to the body politic physically, mentally, morally and politically. A college president, having discovered two sophomores hazing, called them into his presence while his wrath was warm, and said: "Gentlemen, such conduct is displeasing to God, and *what's more, I won't stand it.*" The church says of Sabbath desecration: Such conduct is displeasing to God; but the State says of Sunday work: What is more to us, charged to protect not divine but human rights, we won't stand it—the perpetual treadmill of toil, labor without leisure. (Applause.) The only clause of mine that even the masters of sophistry can pervert into a seeming support of the idea that Sunday laws are "religious legislation" is the following: "A weekly day of rest has never been permanently secured in any land except on the basis of religious obligation." That means that back of the law there must be an approval of it in the public conscience, as back of marriage laws; but the Sabbath laws, like the marriage laws, can be justified on hygienic, social and moral grounds to those who reject the religious ones.

The most active opponent of Sabbath laws says incessantly, as if it were a self-evident and incontrovertible axiom: "The State can never properly legislate in relation to anything in the first four commandments of the Decalogue." I do not raise here any question as to the authority of the fourth commandment, but only meet this opponent for a moment on his own ground. The chief plank in the Seventh Day Adventist platform rests on the assumption that the first of the two Stone Tables given by God to Moses included the first four commandments. This foundation is a sand heap. No one knows where the first table ends, but the full pause nearest to the middle of the commandments is after the words, "Remember the Sabbath day to keep it holy." This is

also the natural point of division on the basis of the structure of thought. If the plan of God, as is natural to suppose, was to put the commands that relate chiefly to man's duties to God on the first table, the point where it must have ended is with that sentence about keeping holy the religious Sabbath. The remainder of the Fourth Commandment was given, as Moses says to each employer, "That thy man-servant and thy maid-servant may rest as well as thou." That part of the fourth commandment is as much a civil affair as the succeeding laws about home, and property, and life, and purity, and reputation, and so belongs among the commandments that relate to man's duties to man. The fourth commandment is the transition commandment that connects what are chiefly duties to God with what are chiefly duties to man.

#### WHAT FRIENDS OF THE CIVIL SABBATH CLAIM, ITS FOES ADMIT.

Professor A. T. Jones, the leader of the Seventh Day Adventists, whose main argument I have been considering, in his address at the Sunday Rest Hearing in Washington, after denying the right of government to legislate about anything in the first four commandments, admitted enough, in response to a question about Mormons, to justify the civil Sabbath. He said (*italics ours*): "If in the exercise of his religious convictions, under the first four commandments, *he invades the rights of his neighbor*, then the civil government says that is unlawful. Why? Because it is irreligious, or because it is immoral? Not at all; but because it is uncivil, and for that reason only."

It is because men are so "uncivil," so unneighborly, that they "invade the rights" of their employees and their competitors to a weekly Rest day, and their rights of conscience, that the civil government says, "That is unlawful."

In that same hearing, another Seventh-day Adventist leader, Stephen M. Haskell, made the following admission:

"We do not say that the United States Government has no right to legislate in reference to certain days on which men may work, but we say it

has no right to legislate with a view to enforcing as a religious ordinance or religious observance certain days. There are certain days, as fast days and thanksgiving days, in regard to the observance of which we make no question; but enforcing a religious observance on individuals is the point to which we object."

So do we all.

The leader of the Seventh-day Baptists, Rev. A. H. Lewis, D. D., also "gave his case away" by the following admission:

"Mr. Chairman, I rise for a word of personal explanation in regard to the 'giving away' which my friend Dr. Johnson seemed to discover. The committee will remember that I distinctly said that if the running of a railroad train on Sunday were determined or shown to be detrimental to the interests of the Commonwealth I would not ask for that privilege. I did not agree that the running of a railroad train should be determined to be detrimental to the Commonwealth upon the ground that Sunday is a sacred day, for I do not believe that; but for me to ask the privilege of doing any business that was proven upon scientific grounds and grounds well understood to be detrimental to the general interest of the Commonwealth would be a sign of bigotry rather than of intelligence. I therefore do not say I would consent to this prohibition upon the ground that Sunday is a sacred day, but on the ground that it would be inimical to the best interests of the Commonwealth."

That is precisely the ground on which Sunday trains are generally opposed and forbidden.

The infidel Wolff, who represented Ingersoll's "Secular Union" at that hearing, said: "It would be legitimate for you to set apart a day of rest; you do set apart holidays where the people take recreation, are exempted from work and the performance of public duties, and that is just about as far as you have any right to go."

But that is going far enough to justify a civil Sabbath.

The attorney of the liquor dealers, who was present at the hearing, ex-



pressed approval of the speeches from which I have quoted, and made no dissent from these admissions.

The only other element of organized opposition to Sunday laws—one far less violent than any of those previously mentioned—the Jews—was not represented at the hearing, but had its say during that same week, in that same city, in an address against “the Puritanic Sabbath,” by Rabbi Joseph Krauskopf, D. D., who made an admission as like the others as the peas in a pod, in the following paragraph:

“Beyond the recognition, on hygienic grounds, that the human body needs one day out of every seven for rest and recreation, and beyond legalizing that day as Sabbath which is preferred by the greatest numbers of the people, and beyond protecting that day as much as is consistent with its authority, the State has no other duties in connection with the Sabbath.”

That is pedestal enough to hold any Sabbath law in the United States.

These six admissions show clearly that the opponents of the Sabbath are butting at their own shadows, fighting as one that beateth the air against the enforcement of a religious observance of the Sabbath, which is nowhere attempted.

To a pastor, calling on a family of his parish, the father said: “I don’t see why my boys ain’t better boys. I make ’em get down and pray every night, and if they won’t get down, I knock ’em down, and yet they ain’t good.” It is seriously argued by our opponents that we propose a similar way of making them and others “good” by compulsory church-going. This will surely take the prize as the biggest of all bugbears.

Only slightly smaller is another of the same parentage—the alarm about Sabbath laws colliding with the Constitution.

#### SABBATH LAWS ARE CONSTITUTIONAL.

The Supreme Courts of the twenty-five States in which the matter has been tested have so declared.\* This is one of the rare instances in which the final decisions in all the highest courts are all

on one side. The lawyer’s chief labor, in most cases, is to prove that the ten decisions on his client’s side weigh more than the dozen decisions on the other side. When twenty-five Supreme Courts are on one side, on a purely legal matter, namely, the harmony of one legal document, called a Sabbath Law, with another, called the Constitution, he who has only his own unexpert opinion on the other side certainly has a very weak case.

It is well to recall the grounds upon which these decisions have been based. The objectors always quote the first amendment of the United States Constitution, that prohibits Congress to set up “an establishment of religion.” The word “establishment” is a historic word, of no doubtful interpretation. When it was written into the Constitution, there was in the Old World, as there is to-day, the custom of selecting a single religion or a single sect and supporting it by the State, which also appoints its officers. A Sabbath law, in order to come under this prohibition, would need to require the building of churches by taxation, the State support of ministers of religion, and their political appointment, which no advocate of Sabbath legislation proposes or desires.

I have shown that the reference to “an establishment of religion” in the first amendment to the Constitution has no application whatever to the American Sabbath; but the latter part of this amendment which requires that Congress shall make no laws prohibiting the free exercise of religion, does have a bearing upon the case in hand. When Congress ordered Sunday work in the mail service, it broke this Constitutional

distilling on Sunday, with \$1000 penalty; two intermitting studies on Sunday in the Military and Naval Academies; and a fourth declared Sunday a *dies non*, a day not to be counted in bankruptcy proceedings. The same year the 45th Congress (2d Session, Ch. 213), passed a Sunday law for the District of Columbia to protect—not employees, but game birds, forbidding any one to shoot such on Sunday. Here are five precedents for Congressional Sunday legislation. The question is therefore not whether Congress shall *begin* such legislation, but whether it shall logically and equitably *complete* what it has begun. Its Sunday legislation is like the unfinished Washington monument, of a few years ago, in its ugly and reproachful incompleteness. Let Congress complete its undertaking by adding the proposed Sunday law for the Capital, and then put on the shining cap stone by giving the Civil Rest Day to all who are under its jurisdiction.

\*Also U. S. Supreme Court, see p. 1; also 99 U. S. 578. 111 U. S. 597. 23 How. 209. 24 How. 247. 2 Dall. 213.—16:682.—125 U. S. 555. The “Revised Statutes of the United States,” in 1878, contained four operative Sunday laws: One against



provision, for it made it impossible, by this *irreligious* test, for millions devoted to the Church, and unwilling to give up its services, and conscientious about doing needless Sunday work, to hold positions in this largest department of public service. That Act of Congress was not a law but a crime. The most conscientious men, who are best adapted to handle the wealth of the people in the mail, are thus distinctly excluded from the post-offices of the country—a very serious interference with the “free exercise of religion.” The petition against Sunday mails is, therefore, not a request that Congress will do something *for* religion, but that it will cease to do something *against* religion. The present status is not neutrality, but hostility. We do not believe in state *and* church, but neither do we believe in state *against* church. Our petition asks Congress to desist from breaking the Constitution. (Applause.)

A Boston paper printed the statement, “Governor Long is *not* in favor of the prohibitory amendment.” An errata next day said, “For ‘not’ read ‘out.’” The Adventists have made the opposite mistake. “The friends of the Sabbath are *out* for a union of Church and State” should have “not” in place of “out.”

But the best answer to the objection that the American civil Sabbath is unconstitutional, is the United States Constitution itself, which already contains a Sunday law. The only objection to it is, that it is an un-American monopoly, “special legislation” for the benefit of one man. In the Article I, section 7, it is provided that the President shall have ten days (Sundays excepted) in which to consider a bill sent to him by Congress, before it can become a law without his signature.\* Here is a distinct provision for the protection of the President in his right to the Day of Rest and in his rights of conscience. That parenthesis “(Sundays excepted)” is an acorn which millions of petitioners desire should be allowed to grow into the wide-spreading oak of a Congressional “Sunday rest law,” under whose

shadow, with the President, the lowliest servants of the Government in the mail and military service, and all others who are under the jurisdiction of Congress, may also enjoy the Day of Rest. (Applause.)

The theory that the present “Sunday Rest Movement” is only a scheme to unite church and state encounters the difficulty that the Brotherhood of Locomotive Engineers and the Knights of Labor, in their international conventions of 1888, approved it; but this difficulty is summarily disposed of by our opponents with the hysterical statement that these bodies only endorsed our petition because I “pleaded with them.” The fact is that I began my first address to a labor organization, the Central Labor Union of New York City, by reading the action against Sunday work which the Buffalo Labor Union had taken on its own motion; and so my keynote at the Brotherhood Convention was the bitter cry of four hundred and fifty engineers of the Vanderbilt roads for a Sabbath of rest, written by themselves years before I undertook Sabbath reform; in fact, that flaming appeal was the torch at which I lighted the red lantern I have since been swinging in front of Sunday trains. (Applause.)

#### SABBATH LAWS ARE CONSISTENT WITH LIBERTY.

Foreigners of the baser sort think not. Let us not forget there are also foreigners of the better sort who ought not to be called foreigners at all. Canadians, Quebec French excepted, are the truest Americans—granite blocks of ancestry. When the Pan-Americans were in Boston, their un-American escort, instead of showing them the very best thing our country has to show to those who are under the curse of the Continental Sunday, namely, an American Sabbath, got up a public Sunday dinner, and Boston’s officers dishonored themselves by attending, but a like invitation on the next Sabbath to the Mayor of Toronto, was promptly declined. (Applause.) Other British immigrants generally re-enforce, not weaken, our pristine stock. Hollanders sign our petitions by the thousand, and Scandinavians man

\*Of 30 States that give the Governor veto power, 28 except Sundays as above.

our law and order leagues. The General Synod of Lutherans, journeying on a Saturday night of a recent year by rail, expecting to reach a certain place before midnight to spend the "Lord's Day," on being delayed, required their car to be side-tracked at 12 o'clock in the wilderness rather than wrong God and humanity even by an hour or two of Sunday traveling.

But there is another kind of foreigners.

When Cambyzes invaded Egypt, knowing that they worshipped cats, he had each soldier in the front rank of his army take in his left hand, in place of a shield, a sacred cat. The Egyptians dared not strike lest they should kill a god, and so the invaders conquered them without a blow. The first part of that history is repeating itself in our land. (God forbid, patriots forbid, that the last part of it should be repeated.) We are being invaded by an army of Continentals who desire to break down our institutions in the interest of their lusts, and who march in upon us with our sacred word "liberty" as their shield, "They bawl for freedom in their senseless moods, And still revolt when truth would set them free. License they mean when they cry liberty."

The *Lutheran Observer* submits to these foreigners of the baser sort the following little dialogue:

"Why did you leave your own country and come to this?"

"Because this is a better country than your own, and you came here to improve your condition."

"Why is this a better country than that from which you came?"

"Because it has better institutions and laws, and among these the Sunday laws are the most important and valuable because they promote religion and morality, and these promote in the highest degree the welfare, prosperity and happiness of the people."

It is a picture worthy of a comic almanac, these unwashed refugees from despotism, who never saw liberty in their lives, and wouldn't know it if they saw it, offering themselves as teachers of liberty to Americans. As usual, in such cases, we ask these professors of

liberty, "Where did you graduate? Who was your teacher?" They answer, "Bismarck." (Laughter and applause.) Now we understand what they mean by "personal liberty," the liberty of Bismarck, the liberty of that one *person* to do what he likes, regardless of the rights of all below him. The reversed "Bismarcks" who come to this country believe, each of them, in the "personal liberty" of one person to do what he likes, regardless of the rights of all above him. We do not believe in any such "*personal* liberty" but in *popular* liberty, the liberty of the whole people, and the liberty of the person only so far as it is consistent with the liberties of the populace. (Applause.)

As President Knox of the German Presbyterian Seminary has admirably said, "Immigrants of the better sort should be shown that instead of the privileged few that govern on the Continent encroaching on the rights of the many, the privileged many that govern in America may resist the greed and lawlessness of the few."

How is it that we who are "runners," on arriving in a new State, do not go at once to a lawyer's office and read its laws in order to prevent being arrested for breaking them? Equity that made those laws makes us obey them unconsciously. Equity is the centripetal force that keeps each one within his orbit so that he does not crash into the orbits of others. Your neighbor's fence is no restraint upon your liberty if you do not wish to break into his yard. Law is made for the lawless (1 Tim. i., 9). You can do what you please if you please to do what is right.

The circle is a symbol, not of eternity only, but also of "personal liberty." "Personal liberty" is the space within an ample circle, smoothly bounded on all sides by the rights and liberties of others. As Rev. Dr. Oerter, of New York, put it, in a meeting of law-abiding Germans to "uphold the Sunday law," "Personal liberty is the divine right to act without interference within the limits of law."

The principle that underlies all civil

**THIS PLACE  
CLOSES  
ON  
SUNDAY  
OUT OF REGARD FOR  
RIGHTS OF CONSCIENCE  
AND  
LABOR'S RIGHT  
TO THE  
WEEKLY REST.**

[OVER.]



[To be hung on the breast of every one who buys postage stamps, provisions, cigars, clothing, or what not, on the Sabbath.]

"No burden on the Sabbath Day."

**I AM  
BLIND  
Selfish  
Shiftless**  
**REST AND LET REST ON  
THE REST DAY.**

"That thy manservant and thy maidservant may rest, as well as thou."

[OVER.]

laws, the relation of liberty and law, was well expressed in the card which hung on the steps of a certain city hall: "Gentlemen *will not* and others *must not* loaf on these steps." In a republic, law is the proclamation of what gentlemen "will not" and others "must not" do. Sabbath laws proclaim that the humane *will not* and the inhuman *must not* deprive the toilers of their natural right to the weekly Rest Day, either to gratify their greed or lust, or even for amusement.

In many places it has happened that the barbers have circulated among themselves a signed agreement for Sunday closing, knowing that Sunday work, like swearing, is serving Satan without pay; that the same profit is made by the barbers of a town or city when they work six days as when they work seven. One barber refuses to sign, and so all the others think they must keep up their Sunday work, lest some shiftless customer, on a cold or rainy Saturday, may not come to his usual barber, because he knows that another will be open on the morrow. So the liberty of one man or a few becomes the Sunday slavery of a whole trade. In such a case law comes in, and, by "Sunday closing" of all the barber shops, proclaims what all sensible barbers *will do*, and the one foolish barber *must do*, for his own good and the good of others. (Applause.) What is here said of barbers might be said also of bakers, laundresses, grocers,—indeed of nearly all forms of Sunday work for gain. If it is foolish in the seller to spend seven days in making six days' sales, it is shiftless in the buyer to leave his Saturday buying over for the Sabbath, so making himself and others needless work on the Rest Day. Here is a card: (See opposite.)

It is sometimes said by opponents of Sabbath laws that "government has no right to dictate how a man shall spend the day." But at quarantine government proves its right to dictate how a man shall spend a fortnight, when the general good requires it.

These are our answers to the "Personal Liberty Leagues," and to those

who are victims of their sophistries. It is surprising that any one should be deceived by them. An Irishman was walking along the street and came to a building with eight sides. He had never seen one before and regarded it with great curiosity. He stared at it until a man thrust his head out of a window and said: "Pat, what are you staring at? Did you think it was a church?" "Well, sir," said Pat, 'I didn't know but it was, until I saw the devil stick his head out of the window.'"

When Anarchists, infidels and liquor dealers show their heads and "hands" in connection with the fight against the civil Sabbath, it is amazing that any one should not see that it is the Devil's, not the Lord's or Liberty's cause, even though a few sincere men who think they are doing God's service, join in the attack.

#### AS TO ADVOCATES OF THE SATURDAY SABBATH,

the apostate Jew, who does not keep that Sabbath, but pleads his neglected religion when arrested for opening his shop on the American Sabbath, should have no consideration from either Gentiles or genuine Jews; but those who regularly and religiously observe the Saturday Sabbath, by abstaining from labor and business, have received, not mere justice, but kindly and generous treatment, with few exceptions, in the laws, and still more in the customs, of the States.

In the State of Arkansas, at one time, the exception in favor of Seventh day people having been taken advantage of by disreputable Jews to open saloons on the Sabbath, the exception was repealed—since restored. The fact that almost all the instances of alleged persecution of Seventh-day people are brought from that one State, and that one period, shows how generously these people have been dealt with in other times and places. They are usually permitted to do any work on the first day of the week, except such as would destroy the general rest. They have not always reciprocated this generosity, but rather in many cases, have adopted the danger

ous anarchistic principle of keeping only the laws that suit them; but this should not abate our effort to make our Sabbath laws as favorable as possible to the minority.

They agree with us that man has a natural right to rest one day in seven. It is only in the exigencies of debate that they argue that a man should work seven days for a week's wages. We go a step farther, and hold that in this age of corporations and of competition, employees cannot be secure in the enjoyment of this natural right to a day of rest unless the State protects it. Louisiana for many years had ever-increasing Sunday dissipation and Sunday toil because there was no Sabbath law, as the Seventh-day people desire should be the case everywhere. In 1886 the people of Louisiana gave up the Seventh-day Adventist plan of the lawless Sunday, which had been weighed and found wanting. Let California do likewise. (Applause.)

The Sabbatic Eden of the working-men can only be protected by the angel of law, as one has said, standing at the gate with flaming sword, to keep back the spoiler. The State has nothing to do with the arguments for and against "the change of day,"—only with the wish of the majority, harmonized to the rights of the minority.

With sweet reasonableness we should try to show these Seventh-day people the mistake of their literalness with reference to the seventh day of the week. Chaplain Crawford of the United States Navy recently told me of a voyage to Samoa, during which the ship on which he was serving crossed the "Sunday line," 180°, and as usual corrected its reckoning by adding a day. If he had been going the other way he would have lost a day. Arriving at Samoa he found that the missionaries, in their zeal for Christian work, had forgotten to make this change when they crossed the line, years before, and so were keeping the Christian Sabbath, the Lord's Day, on what was Saturday on shipboard. He

preached for them on their Sabbath, and they came on shipboard to hear him again on his Sabbath; and so for three weeks, during which time, between the ship and the shore, they had two Christmas days, two New Year's days, and six Sabbaths. (Laughter and applause.)

The proposed Congressional "Sunday rest law," at the utmost, would not affect more than one thousand of these Seventh-day people, as they cannot be in the mail or military service or in interstate commerce and yet keep Saturday, and the further jurisdiction of the law is only in the District of Columbia and the Territories, in which very few of them reside.

There is

#### A QUESTION OF CONSCIENCE

involved in this matter. It is the question of two millions of people, as many as were delivered from the despotism of King George by the Revolution, who are now in a more serious bondage, the Sunday slavery to King Greed, doing needless work for gain on the Sabbath with uneasy consciences. At Yorktown, in the very shadow of the monument that celebrates the close of the Revolution, I asked a colored man who was in charge of the adjoining farm, pointing to a hole in a chimney, evidently made by grape or canister: "Was that done in this last war or in the Revolution?" He answered, "I don't know; how long ago was the resolution?" There was a good deal of *resolution* in the Revolution, otherwise the soldiers who stained the snows of Valley Forge with the blood of their half-clad feet, would never have trod in triumph the heights of Yorktown. Victory came not by resolutions such as are sometimes made on New Year's Day, and in religious conventions. It was *resolution* without the "s" that delivered those two millions from King George, and like RESOLUTION will deliver the two millions who are in the worse bondage of Sabbathless toil to-day. (Applause.)



CHIEF P. M. ARTHUR, of the *Brotherhood of Locomotive Engineers*, in letter of Nov. 24th, 1888 : "I am in favor of any movement looking to the abolishment of all Sunday labor other than works of mercy and necessity. It has been repeatedly demonstrated beyond a question or doubt that all Sunday traffic upon railways can be dispensed with without any detriment or injury to the interests of the Railway Companies. Had I the authority, I would not allow a wheel to be turned between 12 o'clock Saturday night and 12 o'clock Sunday night."

*Brotherhood of Railroad Brakemen and Locomotive Firemen at a Union meeting held at Bloomington, Ill., July 24, 1889:*

WHEREAS, the Sabbath was ordained for man and

WHEREAS, All history shows the best state of society and the highest and best civilization when the hours of Sabbath were devoted to rest and a relief from labor, therefore, be it

*Resolved*, That we, as railroad employees, ask of the general public to forego Sunday travel on railroads, and the demanding or requiring managers of railroads to run Sunday trains for freight traffic, to the end that we, who are willing to give six days and nights of our time to the faithful service of the public and to our employers, may have the hours of the Sabbath with our families at our command, for the great good and comfort to ourselves from being at home with our families, and for church, Sabbath school and other privileges the Sabbath is designed to bring to us.

*Resolved*, That we tender our sincere and hearty thanks to those presidents and managers of roads who have recently issued orders curtailing Sunday work, and we most respectfully ask all managers of roads to follow their example.

*Resolved*, That as workingmen, we feel that we can do better service during

the six days of the week when we are permitted the rest and recuperation the Sabbath was designed to give us.

*Resolved*, That we, as railway employees, pledge ourselves to be of the best possible service in our power to the several railways which employ us, and to regard the interests of our employers when they show an interest in our best welfare by giving to us the best possible safety appliances and as much of Sunday rest as the exigencies of railway transportation will admit."—*From Am. Journal of Railway Appliances*, Aug. 18, 1889.

GEN. A. S. DIVEN, *Elmira, N. Y., thirty years Managing Officer of Erie R. R.*, in letter of April 8, 1888 : "There is no valid excuse for railroad traffic on Sunday, either for mails, passengers or freights. Is the transmission of mails a necessity? The best and most successful business men I have ever known never open their mails on Sunday. If there ever was a necessity for Sunday mail service, it ceased with the telegram. If there ever was a necessity for moving perishable articles on Sunday, it has been removed by the refrigerator car."

*Railroad Topics*, April, 1889 : "The sentiment now sounding among the religious and church going portion of the community proclaims that the running of freight and passenger trains on Sunday is not a necessity."

*Chicago News*, May 22, 1889 : "Now that the railway men have made a beginning they should give serious thought to the great Sunday problem which they have yet to solve. The friends of Sabbath observance object to Sunday trains and the employment of thousands of men to run them. Cannot the railways contrive to give some more of their employees one day of rest in every seven?"

*The Advance*, Chicago, Jan. 3, 1889 : "Railroad corporations and managers have been especially responsible for an enormous amount of Sunday desecration and are peculiarly guilty in the matter

of defrauding thousands of individuals of their right to the enjoyment of the due tranquility and rest and peculiar privileges of the day. The public conscience if not also the moral sense of railway managers is beginning to be aroused. The movement for a law of Congress against Government work and Interstate Commerce on Sunday is fitted to enlist the co-operation of all good men as well as good women. The undertaking is by no means hopeless."

*Toledo Blade, July 6, 1889* : "This movement is one in which all should join, even if leaving the religious aspect out of the question. If the increase in Sunday work goes on, the laboring classes will find themselves compelled to work seven days a week for the wages of six days. That is the logical end of the matter."

*United Presbyterian, Pittsburg, Feb. 7, 1889* : "The bill now before Congress for the 'Sunday rest' should have the support of the whole people. We are glad to see that the working people are alive to its importance. Already petitions representing all parts of the country and many organizations have been presented urging its enactment. Let them continue to flood the desks of Representatives and Senators until they feel the rushing current of an awakened public sentiment. With the Sabbath estab-

lished in the army and navy, in the postal service and in interstate commerce a better day will be near at hand."

HON. W. C. BRECKENRIDGE, M. C., *in address at New York, Jan. 28, 1888* : "In pleading for this Day of Rest we do not plead for idleness, for a day of wasted time; but that the world's work may be well and fitly done. It has been demonstrated that beyond peradventure these bodies of ours, so fearfully and wonderfully made, including in them brain and soul, need and must have some periodic rest for recuperation. This tool which does the work, and which is of all tools the noblest and the most skillfully constructed, needs this period of cessation from labor to keep it in temper. There can be no greater mistake in the management of the great workshop of the world than to so abuse these human implements as to dull their edge and to render them less capable of performing their part. It is therefore a plea on the lowest possible ground of mere wise management of industrial implements that we demand for these implements of labor that they shall be so regulated as that the best possible results may be obtained from their toil. This every manufacturer does with his engines, his machines and his bands. On the same principle we demand this same wisdom for these implements of industry."

[Form of Petition.]

**To the State Senate of**.....(Duplicate to House.)

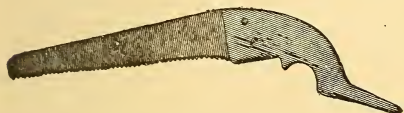
The undersigned, adult residents of the City (or town) of....., believing that railroad corporations have no more right to use the Rest Day for works of gain, to the injury of their employees, than manufacturers or merchants, and recognizing a perilous tendency in legislatures all over the land to legislate in the interest of property more than of persons, earnestly petition your honorable body, in the interest not only of railroad men and their families, but also of the very Rest Day itself, which is imperilled by every inequity in its law, to forbid all Sunday work on railroads, except in cases of accident, so far as your power extends, and to pass a resolution asking Congress to do likewise in its jurisdiction.

NAME.	OCCUPATION.

## LABOR'S RIGHT TO THE WEEKLY REST DAY.

AN ADDRESS BY REV. WILBUR F. CRAFTS,  
AUTHOR OF "THE SABBATH FOR MAN,  
WITH SPECIAL REFERENCE TO THE  
RIGHTS OF WORKINGMEN," AT A MASS  
MEETING IN THE ACADEMY OF MUSIC,  
SCRANTON, PA., OCTOBER 20, 1889—  
HON. T. V. POWDERLY, MASTER  
WORKMAN OF THE KNIGHTS OF LABOR,  
PRESIDING.

I hold in my hand an ancient badge of  
Knighthood in labor, a saw that works  
only on the back stroke, which I brought



from Nazareth, such an one as Christ  
used when He toiled as a "working-  
man" at His trade; such as He laid  
down on the evening before the Sab-  
bath, saying gratefully, as He thought  
of the morrow's rest from toil, "The  
Sabbath was made for man." Surely  
no man who knows and honors the story  
of Christ can ever despise honest toil in  
himself or in any other man. (Ap-  
plause.) Hon. Carroll D. Wright, Chief  
of the National Bureau of Labor, has  
well said that the only solution of the  
labor problem lies in the application of  
His teachings to the conduct of labor  
and business. In this work, in which  
you are already a "Master Workman,"  
I dub thee, T. V. Powderly, Knight of  
Labor, with the saw of Christ. (Ap-  
plause.) Your Knighthood is not that  
of the sword that destroys, but that of  
the saw that upbuilds. You tear down  
only the robber castles of rum and fraud,  
to build, in their stead, the homes of  
temperance and industry, as did the  
Carpenter of Nazareth. Surely the  
church that was founded by "the  
Carpenter" ought never to be out of  
sympathy with the true interests of

workingmen, chief of which is the  
weekly Rest Day.

Coöperation between labor organiza-  
tions and churches in restricting Sunday  
work is the first wire toward a bridge  
over the chasm which in some parts of  
the land separates many of the succes-  
sors to Christ's trade from the successors  
to His name. The pretended working-  
man who works with nothing but his  
jaw, the anarchist who is like a brazen  
bell, nothing in him but a noisy tongue—  
these we may not be able to unite with  
us by our bridge. An industrious son of  
Erin in California, being asked, "Are  
you a Dennis Kearney man?" replied,  
"No, I'm a wurkingman that wurks."  
All workingmen that work will appre-  
ciate the Church's aid in preserving their  
Sabbath rest.

Surely those workingmen are wisest  
and most consistent who refuse to hold  
the business meetings of their labor  
lodges and their picnics on the Sabbath.  
The Assemblies of the Knights of Labor  
in this city of their Chief, in deference  
to his wishes and wisdom, keep their  
own business as well as that of their  
employers out of the Rest Day, the  
Home Day.

From a labor standpoint, a "*Sunday  
law*" is only a *Six-day law*, big brother  
of "Early closing," "the Saturday Half-  
holiday," "the Ten-hour law," "the  
Nine-hour law," and the expected addi-  
tion to the family, the unborn "Eight-  
hour law," which, if Mr. Powderly has  
his way, will not be the child of Violence  
but of Reason.

In this company of brothers the Six-  
day law is the biggest and the best of  
all. No other restriction of labor can be  
equal in value to one unbroken day of  
general rest—the rest not of idleness  
but of congenial fellowship.

Many friends of the Rest Day do it in-  
jury by not distinguishing between its



religious and civil aspects. A colored preacher supplied a long-felt want in our language when he said, "Brethren, what you want is sanctifigumption. Get sanctifigumption if you don't get anything else." Sanctifigumption prevents a man who is speaking to a legislative committee or a labor organization or a citizens' meeting about the civil Rest Day from talking of "Sabbath profanation" or "Sabbath desecration" instead of Sunday work and Sunday dissipation.

In each law against Sunday work the people make a new Declaration of Independence. Labor's right to the weekly rest day is a part of the "right to life, liberty and the pursuit of happiness." Working seven days per week shortens "life," destroys "liberty," blots out "happiness." Sabbath bells are liberty bells, proclaiming liberty to worship, liberty to rest, liberty for fellowship and for self-improvement—one day's independence of human mastership. Those are "white slaves" indeed who have one more day of toil per week than was required of the black slaves, emancipated by the war, whose every week had in it the oasis of a Sabbath for rest and fellowship and religion. (Applause.) Those who are robbed of their weekly Rest Day might as well have been slaves of Pharaoh for all they get out of Christian civilization.

Henry George has well said that Moses was the first labor reformer, and the fourth commandment his chief labor reform. Moses said to the employer, "I have proclaimed this law that thy man-servant and thy maid-servant may rest as well as thou." The whole Sabbatic system of Moses was a scheme to mitigate the sorrows of labor and poverty. It might appropriately be published as "novel" under the title of "Looking Backward," to rival Bellamy's. The seventh day, the seventh month, the seventh year, the year after seven times seven, were each rich in benefits to the poor and toilers. This is beautifully explained in "Eight Studies on the Lord's Day" (p. 135).

Justice Field, of the United States Supreme Court, in a famous opinion,

written when he was a member of the Supreme Court of California, afterwards adopted as the voice of that court, calls attention to the fact that Sabbath laws are not so much for those who can choose their time to rest, as for the protection of labor against capital, for the defense of labor's natural right to a weekly Rest Day. "The Lord's Day," is also "The People's Day."

If the simple farmers of Palestine, unusually religious and humane, when every master and servant met daily face to face, needed the restraint of a six-day law, much more do employers in this age of corporations, engaged in keenest competition.

The Pennsylvania Railroad has 75,000 employees, whose condition affects a quarter of a million in their families. There is no better railroad corporation, but what chance is there of one of those 250,000 drops getting any individual consideration for his right to the Home Day from the ten thousand corporate souls that divide almost to invisibility the responsibilities of that great corporation? But for the six-day laws, the corporation that was not "soulless," the competitor who was not a "cut throat," the humane employer who desired to give the weekly Rest Day to his employees, would often feel that to dismiss them for *one* day, would be to dismiss them for *all* days, by giving the "cut-throat" with whom he was competing the upper hand. Modern business, alas, is a warfare. If the soldiers on either side are to rest, law must proclaim and enforce for one day in each week "the truce of God."

Do you say, "Each man is at liberty to worship or not to worship, to work or not to work, on Sundays"? Nay, he is at liberty to give up his "job" when jobs are few and hard to get, and to go out into the army of the unemployed. (Applause.)

"I had rather be right than President"—or servant of a Sabbath-breaking corporation. No man should sacrifice his conscience, his manhood, to keep his place.

*WITH a firm reliance upon God, I hereby  
make my*

**DECLARATION OF INDEPENDENCE**

*against KING GREED, whose Sunday  
work I pledge my sacred honor never to  
do.*

*[Signed,]*

The man who pleads as an excuse for Sunday work that he "must make a living," should remember that the bartender makes the same plea. I have searched the world over in vain for an affirmative answer to the question, "Did you ever know a man financially ruined by refusing to do Sunday work?" I have found scores of instances where courageous conscientiousness in this matter led to promotion, none where it led to poverty. (Applause.)

But society should not be so constructed that only heroes can survive. Gladstone has admirably said that it is the province of law to make it as easy as possible to do right and as hard as possible to do wrong. The six-day laws make it as hard as possible for the employer to destroy, as easy as possible for the employee to maintain, his natural right to the weekly Rest Day, and his related rights of conscience.

In this matter it is important that

**CONGRESS SHOULD SET A RIGHT  
EXAMPLE**

both as a legislator and as an employer. It is bad enough that Congressmen are so often examples of lawlessness in their Sunday junketings.

But worse than these personal examples, is the example of Government in its corporate action. While the United States keeps its Post Office open on the Sabbath for business, right in the center of the principal street of each town, it will be next to impossible for local reform permanently to close the saloon on one side of it and the shoe shop on the other, that are only following the Government's example, and trying to catch a little trade from those who are going for their Sunday mail. While the Gov-

ernment sends its Sunday mail train crashing through the laws of God and man, it will be very difficult to stop the other trains that are following in its wake. (Applause.)

Those who say of Sunday work, "This is not a matter for Congress, but only for the States," proclaim their own ignorance, for no legislators except those of Congress have the power to release from Sunday work the soldiers or the postmen or the vast army of toilers in interstate commerce, or the two hundred thousand people of the District of Columbia.

John Bright defined agitation as "the marshalling of the Nation's conscience to right its laws." Such a marshalling is the great "Sunday Rest Petition."

In 1883, and for some time previous, the "International Sabbath Association," Rev. Yates Hickey, Secretary, circulated petitions against Sunday mails and Sunday parades of United States troops, but the time did not seem to be ripe, and only a few thousand signatures were secured by this earnest pioneer.

In 1884 a busy New York pastor enlarged the petition, and again later, until it read as follows :

Senate Petition from State of .....  
County of .....  
City or Town of .....  
Number of Petitioners .....

**FOR A SUNDAY REST BILL.**

*To the United States Senate :*

The undersigned adult residents of the United States, 21 years of age or more, hereby earnestly petition your honorable body to pass a bill forbidding, in the United States mail and military service, and interstate commerce, and in the District of Columbia and the Territories, all Sunday traffic and work, except works of real necessity and mercy, and such private work by those who regularly and religiously observe another day of the week by abstaining from labor and business, as will neither interfere with the general rest nor with public worship.

Name. (Prefix Mr., Mrs. or Miss) .....  
Occupation .....

(Duplicate for House of Representatives.)

This pastor's work was hardly begun when the Woman's Christian Tem-

perance Union established its Sabbath Observance Department, with an Oberlin woman, Mrs. J. C. Bateham, of Plainessville, Ohio, as its superintendent. She is the Deborah of us all in this fight by snowstorms of petitions against the Sunday chariots of iron. Whenever a *good* thing happens, be sure "there's a woman in the case." The infant petition, which had seemed likely to die young of neglect, was passed over to her, and, under her nurture and training, and that of her associates all over the country, in the course of three years, it grew into a millionaire, and then, of course, it was sent to that popular resort of millionaires, the United States Senate. (Laughter and applause.)

It is significant that these petitions for "Sunday Rest" were referred by the Senate to its Committee on *Education and Labor*. We are thus reminded that

#### THE AMERICAN SABBATH IS AN EDUCATOR,

nearly second to the common school and its best supplement. Four times seven is twenty-eight; that is, one seventh of the days in twenty-eight years make four years—more time for thought and self-improvement than a college course, for college students devoted no inconsiderable part of their four years to football *et al.* The British-American Sabbath is the workingman's college, without which toilers could not qualify themselves for self-government, but would remain, like the adult infants of Continental Europe, content to take Sunday amusements in place of liberty. Reformers of illiteracy cannot afford to ignore the relation of quiet Sabbaths, protected against both toil and dissipation, to the diffusion of knowledge and of conscientiousness, without which there will be enough "blocks of five," too ignorant to resist the sophistries, too immoral to resist the bribes, of the demagogue, to write the death warrant of the Republic on the back of its ballots. (Applause.)

But it was doubtless, chiefly because the petitions call for a

that they were referred to that Committee on Education and *Labor*. Hon. Carroll D. Wright, in his report on Sunday Labor in Massachusetts, shows, from the standpoint of the very master of Labor Reform, that it has no other department more important than the protection of employees against the Egyptian bondage of Sabbathless toil. Besides ministers, sextons, singers, doctors, druggists, nurses, undertakers, milkmen, household and hotel servants, and all others whose Sunday labor can, by the utmost stretch of terms, be considered as work of necessity or mercy, there are two millions—it is an underestimate—engaged in needless Sunday work for gain—one in every six families. The average is not so great as that in the East, but much greater in the "Wild West," where in some cases, it is said, the communion has to be held on Sabbath evening, because in the morning, "the deacons are all down in the mines." A law forbidding Sunday work in the Government's mail and military service, and its wider domains of interstate commerce and the Territories, would release most of this two millions from Sunday slavery at a stroke, as one turn of a bar opens a whole row of prison cells.

One of the most hopeful aspects of the war against Sunday work is the fact that, in our country, labor organizations are awakening to their peril in season to *retain* the weekly Rest Day, which their fellows on the Continent are struggling, all too late, to *regain*. At the hearing given on April 8th, 1888, by the Senate's Committee on Education and Labor, to the petitioners who had appealed to Congress in behalf of the imperilled Sabbath rest, it was privately suggested by a member of that Committee to the person in charge of the hearing in behalf of the petitioners, that the petitions, up to that time, had come chiefly from churches, and that labor organizations should also and especially be asked to consider the matter, as their petition would be still more in



fluent. The object of the petition was accordingly explained to the Central Labor Union of New York City, a congress of New York's labor organizations, which, after discussion and deliberation, unanimously voted to indorse the petition. (Applause.) The very next day, before this resolution reached Washington, Senator Henry W. Blair introduced his original "Sunday Rest Bill." Our petitions have not been, to any considerable extent, for that particular bill, but for a law somewhat like it. The general purpose of the bill—not the bill itself—was indorsed, the day following its introduction, by the Presbyterian General Assembly (North), then representing seven hundred and forty-four thousand members. The Assembly also appointed its quota of charter members to organize the American Sabbath Union, a part of whose work is to carry the petition I have quoted to success. Since then the petition has been indorsed, after deliberation and discussion, by the International Convention of the Brotherhood of Locomotive Engineers, the General Assembly of the Knights of Labor, by the Southern Baptist Convention, by the General Synod of the Evangelical Lutheran Church, by the Congregational Council, by the Cumberland and Southern Presbyterian Assemblies, by many Methodist conferences, by Cardinal Gibbons, by churches of nearly all creeds, and by many other organizations of labor and religion. The petition is unquestionably the largest ever presented to any government, and unique also in being the only one in which labor organizations and churches of all creeds have generally united. (Applause.)

A labor leader has suggested that representatives of the churches and of labor organizations should meet for a frank conference to find how far they are agreed. It is certain that those who peacefully seek a new social order can not safely leave out motive and depend on machinery. The trouble with the present state of society is not so much its taxes or its tenements as its selfishness. Environment will not remove that. The very things which the Sab-

bath brings to men are those which are needed to lead capital and labor out of their deadly conflict into just coöperation. An ox and a stallion were shipped in the same freight car, separated by an extemporized partition. During the journey this gave way, and as the train halted, the animals were found in deadly conflict, each mortally wounded. At length a kick from the aristocratic stallion killed the plebian ox, but the next moment the gored stallion fell and died. So will end the conflict of labor and capital in mutual destruction unless coöperation takes the place of conflict. Only the application of the principles of Jesus Christ to the conduct of labor and business can bring this peaceful revolution. The Duke of Wellington, referring to athletics, said: "Waterloo was gained at the public schools." The revolution of society is to be won in the people's college—the American Sabbath.

A critic of our movement has said: "Petitions are all waste paper, no more effective than cheap handbills thrown into street doors." This is the echo of the so-called "practical statesman" who calls our work, "Sunday-school politics." But when there are no petitions he plays another tune: "Who wants this?—there are no petitions." Whatever the discount on the old style petitions made up of unclassified names, I appeal to you whether our new form of petitioning is mere waste paper. Are the deliberate votes of indorsement on these petitions by Congregational, Baptist and Methodist Preachers' Meetings, by Evangelical Alliances, by General Assemblies—are these and thousands more of such petitions from local churches of all creeds no more influential upon Congressmen than the handbills thrown in at their doors? Are the signatures of P. M. Arthur and T. V. Powderly, attached by vote of the Brotherhood of Locomotive Engineers and the Knights of Labor, and the official indorsement of hundreds of local labor organizations—are these also worth no more than a newspaper's rejected poetry? Is Cardinal Gibbons' signature on the petition of no weight in Congress? And what of the

thousands of letters that were hurried to Washington, like an ever increasing snowstorm, after the American Sabbath Union sent out information that the friends of the Sabbath who desired the hearing on the Sunday Rest Bill should apply to their Representatives in Congress—letters that not only asked for the document, but many of them for the passage of the law? If the petitions of all kinds are so ineffective, what led Congress to order three editions of the hearing in quick succession, making 42,000 in all—twelve thousand more (the Government Printer tells me) than his largest issues of documents on any other public question at the public expense? At the Document Room of the Senate I was told, when the first edition of about two thousand was not yet printed, that fifty times as many would not supply the orders already sent to him from Senators for their constituents who had written for them.”

When I told a certain preacher in New York that there had been introduced in the Senate a “Sunday Rest Bill” such as we had been asking for so long, he answered, “You can’t pass it.” That kind of “*can’t*” is cursing the churches more than the kind so often condemned. The law *can* be passed if the churches and labor organizations that have *not* indorsed the petition, promptly join those that have. [Applause.]

Congressmen ought to lead off in political, as ministers do in moral, reforms. But, in fact, ours is a wheelbarrow government that goes ahead in legislation only when it is irresistably pushed from behind. [Laughter and applause.] But when most of the churches have laid hold together of one of the handles of the wheelbarrow, and most of the labor organizations have put their strong hands together on the other, Congress will not tip this bill out on its refuse heap, but will allow it to go through to enactment. [Applause.] Let every friend of the civil Sabbath of rest push a little by collecting signatures for our petition, and by getting every organization or convention with which he is con-

nected or can influence, to pass at once a resolution indorsing it.

“Let us help it all we can  
Every woman, every man,  
That good time coming;  
Smallest helps, if rightly given,  
Make the impulse stronger,  
’Twill be strong enough one day,  
Wait [and work] a little longer.”

#### That part of the petition which asks for A SABBATH LAW FOR THE DISTRICT OF COLUMBIA

surely ought to be granted by Congress without delay, since all of its members, except those from California, Arizona and Idaho, represent States having such a law. Let stately, beautiful Washington speedily become in its Legislation, what it is in almost everything else, the model city of the world.

The recent renewal of the demand for a Sabbath law for the Capital has been prompted by the sight of laborers digging in its streets on the Sabbath for the construction of a street railway. The limping defense rests on two deformed feet; first, that the work has been hindered by much rain; second, that some poor men have received extra wages! If men are to make reprisals on the Sabbath for all the week days when work was hindered by weather, then this year alone has put a third or fourth mortgage on nearly all the Sabbaths for the remainder of this century. As to wages for the poor, it is enough to recall the fact that where work is allowed on all the seven days the wages are less per week than where the six day law of the Sabbath prevails.

#### AS TO THE TERRITORIES,

Although each of them has some sort of legislature, it is to be remembered that Congress has absolute jurisdiction over them as much as over the District of Columbia, and frequently supplements their frontier legislation with a view of giving good citizens in the Territories as adequate protection as if they had the more mature government of States. The United States protects the homes of Utah against the Sunday saloons of Ogden as well as against the

Mormon harems of Salt Lake. Why should not the compulsory education in hygiene which Congress has given to all the Territories be supplemented by the practical hygiene of restful Sabbaths? So far from resenting such legislation as an interference with Territorial home rule the good citizens of the Territories everywhere petition Congress for it.

#### SABBATH REST FOR SOLDIERS

Proclaimed by the President, needs to be perfected by Congress by the stopping of parades, as well as inspections of arms, and also of secular concerts by military bands.

#### SUNDAY MAILS

are a much more serious matter. There are in round numbers, 150,000 men in the mail service—about half of the Government's "civil list." Nearly all of the postal half do more or less Sunday work, while the other half rests. Hath not a postman flesh, conscience, a home, a church, that he alone of the manifold servants of the Government should be denied his Sabbath? The evil appears greater still when it is remembered that the Government, whose decisions are the only standard of right and wrong to most of our people, is presenting this harmful example of needless Sunday work at 60,000 offices, leaving hardly a hamlet in the country untouched by the contagion.

In these days when we hurl so much denunciation at corporations, it is too often forgotten that every citizen is a corporator in the largest and most "soulless" of them all. The Government, as the chief of all corporations, ought to be a model to all others. But I had occasion to say, at our first hearing before the Senate's Committee, that Congress was "*the very Pharaoh among employers.*" Certain horse cars, on which men were worked eighteen hours a day (counting the hours for meals), were appropriately called by the employees of the line, "man-killers." That corporation reduced its hours to twelve, leaving the United States post-offices, with their requirement of thirteen and sixteen hours work per day as the

champion "man-killers" of the land. Think of your employees—you, the people, are the controlling stockholders of the United States corporation, Congressmen being your directors, and the Postmaster General one of your managers—think of your employees being called from bed at five o'clock in the morning in order to report at the post-office at a quarter to six, and kept so constantly at work on heavy routes that breakfast and dinner must both consist of sandwiches, eaten out of the pocket while on the march, with supper, the only meal at home on alternate days, at ten o'clock at night, and that too alone—the babies that were left asleep in the morning being asleep again on the return in the evening; and besides all this, night watching and Sunday work—these carriers not even being allowed unbroken Sabbaths in which to become acquainted with the children whom they had scarcely seen awake on the other days of the week.

These evils have been largely reduced by the "Carriers' Eight-hour Law," but a six-day law is still needed for our postal service. One whole day in each week for rest and home and thought is the *constitutional* right of every man—using the word "constitutional" with reference to our physical and civil and religious constitutions—and such a day is worth more every way than the same amount of extra leisure doled out through a Sabbathless week.

Those Christians who use or defend Sunday mails may well hang their heads in shame as they read that in September last in India, Hindus and Parsees joined with British residents of Bombay in protesting, on humanitarian grounds, against the proposed dispatch of the Australian mail on the Sabbath, which even the heathen have learned to value as a surcease from toil.

It is not generally known that both Sunday mails and Sunday trains are

#### WAR MEASURES ABSURDLY CONTINUED IN TIMES OF PEACE.

Sunday mails were ordered by Congress on April 30, 1810, and were just-



fied by Congress and tolerated by the people only because war was momentarily expected with Great Britain. This brought in the mail trains, the only trains tolerated, except milk trains, for many years. In 1828-29, when there was a great popular uprising against Sunday mails, curiously enough, it was assumed by the Postmaster General of that day, who is said to have been under Seventh-day Baptist influence, that to repeal this war measure would be religious legislation. He argued for neutrality on religious matters on the part of the State, apparently blind to the fact that the petitioners were only asking the repeal of a law which was originally an act against religion. But Congress was fooled by his shallow sophistry, and, on the plea of *neutrality*, renewed its *hostilities* toward religion.

The opponents of Sunday mails claimed that they were infringements not only on the rights of Christians, but also on the rights of the original States, which had given Congress, in the Constitution, no permission to destroy their Sabbaths. This claim was about to be pressed in the Supreme Court, when, war again, this time in Mexico, re-enforced the enemies of the Sabbath by drawing attention to new questions. The War of 1812 having started the Sunday mail trains, the War of 1845 defended them, and then the War of 1861 added other Sunday trains to carry soldiers and their supplies.

Advocates of peace may well put into their catalogue of the evil legacies of war, the weary toil, the saddened homes, the premature deaths, the corrupted morals, caused by Sunday mails and Sunday trains.

It is not, then, those who ask the discontinuance of these old war measures but those who ask their continuance who urge a strange thing.

You ask, "What if a letter calling a son to the bedside of his dying mother should be delayed twenty-four hours by the discontinuance of Sunday mails?" O, belated questioner, did you never hear of the telegraph, soon to be the people's

"fast mail?" To use the telegraph for such letters need not make Sunday work for telegraphers, for a letter that is to have a Sunday delivery must be mailed not later than Saturday, when a telegram would carry the message before the end of that day; and a letter put in the Sunday mail will not reach its destination any sooner than a Monday telegram.

No wise man ever depends on the mail for speed. Recently it took fifty-five days for a letter from California to reach me at New York. No matter whose fault it was, that was the fact. Suppose it had been a summons to a death bed? Shorter delays are common. The telegraph, run as a private monopoly, is slow and often inaccurate, but the only proper reliance for emergencies. Toronto keeps one telegraph office open on the Sabbath. Whether even that is needed is an open question. It is not a question whether the Sunday opening of more than one office in a city is unnecessary.

You say, "To stop the mails twenty-four hours in these days would cause a congestion of business." The answer to this prophecy is not a counter prophecy, but history. Toronto, the "Queen City" of the world in Sabbath observance, and hardly second to any in its rapid growth and solid prosperity, a city of 200,000 population, allows its postal servants to share the general rest, closing its post office to the public from seven of Saturday evening to seven of Monday morning, and stopping all work except that of the watchman through the entire twenty-four hours of the Rest Day. Toronto finds that this gain to the post office employees results in no loss to any one. If a larger city is wanted, take this: "Within a radius of five miles from the general post-office of London no inland letters are collected, carried, sorted or dispatched on the Lord's day." (Sabbath for Man, p. 286.) If all mail trains stopped on the Rest Day, and it were made in fact a *dies non*, it would be equally fair to all competitors, and give a man the same average mail on Monday morning as on Saturday, instead of causing "a congestion of business"

by flooding him with a double portion. The watchman is the only postal servant whose Sunday work can be justified either by Divine or American law. [Applause].

The argument against interstate

#### SUNDAY TRAINS,

a greater evil born of the Sunday mail and of War, is short and conclusive.

A recent letter from the Interstate Commerce Commission estimates the number of men in railroad service in the United States as "more than a million." Half a million more are employed on vessels and canals. A few thousands of this million and a half do no Sunday work, but their number is more than balanced by the Sunday work of those who are connected with those departments of transportation that have not been counted—street railways, stages, liveries, local and general expresses, railroad news companies, railroad restaurants and private ticket offices. An observant traveler cannot fail to note also that on the Sabbath the streets leading to railroads in many cities look like a market day, every shopkeeper at work to catch the trade of those who are going and coming. So spreads the evil leaven of the Sunday train.

Recently a score of American railroads, and one, at least in France (the Lyons and Mediterranean) have reduced the number of their Sunday trains. The surprised public has been somewhat too complimentary for these "small favors." These reductions are only a beginning. The Sunday trains that remain are not only sins against God, but also crimes against man.

Thirty-one railroad managers, in response to printed questions, have said to me in writing that all railroad trains could be stopped on Sunday with no money loss to offset the great gains in health and happiness. (Applause.) The only way to make any reduction that will abide is to make it on the only just plan to all concerned, namely, to stop

all Sunday work except work of real necessity and mercy.

Excuse them how you will, these Sunday trains are run only to make money, to fatten the bank accounts of millionaires already too much favored by our laws. If *any* work for gain, not also a work of necessity or mercy, is to be allowed on the Sabbath, *all* such work should be equitably allowed. The law that forbids a poor widow to sell wholesome books on the Sabbath, while permitting a millionaire to sell railroad tickets, is itself a crime. Anarchy fattens on such injustice.

"But," you say, "what if the father, hastening to the bedside of his dying son should be stopped twenty-four hours and so should be too late." I answer that it is better that a son should die now and then, without the comfort of his father's presence, which could not save his life, than that hundreds of railroad men should die before their time every year, through the exhaustion and demoralization of their Sunday toil.

You excuse the Sunday train by saying, "The public demands it." Say rather, "The *pocket* demands it, in blindness to its own interests." Experiments on many railroads this year in decreasing Sunday trains (see "Recent Progress of Sabbath Reform Among Railroads," by Edwin C. Beach, published in pamphlet by Ohio State Journal, Columbus, Ohio), show that money has in many cases been saved, and in none lost. The gains to the homes of railroad men cannot be told. In figuring out even the financial balance, we are not to leave out of account the depreciation of railroad stocks by millions, due in part, as Judge Cooley and Charles Frances Adams and President Stickney intimate, to the lack of commercial honor among railroad managers. Sunday work wrecks not only trains but consciences, and in both cases there comes a money loss as well as a moral one.

If the public "demand" Sunday trains, how is it they have to be cajoled into them by frantic advertising at one-fifth the usual rates? Thousands

who use Sunday trains because "they would run anyway," instead of "demanding" their continuance, have petitioned for a law to stop them. He is deaf, indeed, to the signs of the times who has not heard, in the railroad riots of recent years, a "demand" loud as the roar of Waterloo, not for more Sunday trains, but for more justice to railroad men, for more culture of conscience by railroad men, who have in their power the property which is at once the most exposed and the most important to the general welfare of any in the country. The "Round House," with its mighty engines is a giant's castle. One of these iron giants can kill more people at one blow than any giant of the fables. How important that they who guide them should be sober, faithful men! In a recent year there was wanting only what was for a time feared, a word of command from the railroad King Arthur, ordering a general strike of locomotive engineers, to plunge the whole country into a commercial and social anarchy, of which 1877 and the Chicago bombs, and the New York blizzard are but gentle hints. I believe the fears were groundless, and that our King Arthur will use his authority only in knightly justice to all.

The reason that more frequent appeals for release from Sunday work are not made by railroad men themselves is that past appeals have seemed to be in vain. The plea of the Brotherhood of Locomotive Engineers, in the days of the first Vanderbilt, for the stopping of all Sunday freights, and the subsequent plea of four hundred and fifty of Mr. Wm. H. Vanderbilt's engineers, a few years since, for their weekly rest and their rights of conscience, for their own physical benefit and the moral benefit and happiness of their families, stand as the perpetual and pitiful appeals of all Sunday toilers for emancipation from their Sunday slavery.

Chief Arthur told me that Mr. Wm. H. Vanderbilt made no objection on the ground that stopping such trains would be either impracticable or unprofitable. The only objection was competition.

He replied, "I will stop Sunday trains, if others will." "Others *will*" only when all *must*, at the dictate of Congress, one of whose chief functions it is to save citizens from being crushed between the upper and nether millstones of competing corporations, with hearts of rock. A son-in-law of Mr. Vanderbilt is authority for the statement that the latter made an effort at that time to get other railroad managers to join him in a reduction of Sunday trains, but in vain. In a published interview Mr. Depew gives it out that competition is the only reason that recent reductions are not greater. All of which shows that Congress as an outside umpire must stop the Sunday work of all the competing lines together, if it is to be stopped at all.

Many railroad men would be glad to have their Sabbaths for rest and home and thought even at a reduction of one-seventh in their wages, but if, as the engineers stated in the appeal referred to, and as many managers admit, they can "do more work in six days per week than in seven, and do it better," or even as much, they will be supported by the public in demanding the same wages for six days which they now receive for seven.

The very heart of ancient knighthood, whose spirit the Knights of Labor profess to embody, is unselfish defense of others who have been wronged, as if their wrongs were our own. Surely then no true Knight of Labor, with that "bitter cry" of the engineers ringing in his ears, can use a Sunday train. The true Knight of Labor will find his Sabbath rest in some of the many ways that will not destroy the rest of his fellows. I have heard of but one labor organization voting against the great "Sunday Rest Petition"—an assembly, I will not say of musicians, but of brass blowers, who care more for two dollars each from a Sunday picnic than for the release of two millions of their fellows from needless Sunday toil, and yet are brazen enough to call themselves "Knights of Labor."

When the Sunday Rest Petition was under discussion in a meeting of loco-



[When Congress is not in Session return to Rev. W. F. Craft, New York.]

**SIGN BOTH, THEN CUT APART.**

*Senator* .....

Please present the following

**PETITION FOR A SUNDAY REST LAW.**

The petition which follows was indorsed by a standing vote of  
(men and women of 21 years of age or more) by a meeting  
of citizens of the State (or Territory) of .....  
County of ..... City (or Town) of .....  
on .....

Attest: ..... Presiding.

The petition which follows was indorsed at regularly called meetings by the following Churches, labor societies, temperance unions, and other organizations of the above named locality:

by vote of ..... Church, ..... members,

by vote of ..... Attest: ..... members,

**To the United States' Senate:**

The above organizations, and adult residents (21 years of age or more) of the United States, hereby earnestly petition your honorable body to pass a bill forbidding, in the United States' Mail and Military service, and in interstate commerce, and in the District of Columbia and the Territories, all Sunday traffic and work, except works of real necessity and mercy, and such as are necessary to the support of life, and to the carrying on of business, and to the obtaining of training from labor and business, as will neither interfere with the general rest nor with public worship.  
(Names of individuals, in their own handwriting, preceded by Mr., or Mrs., or Miss. Add more paper for other signatures.)

(SIGN BOTH PETITIONS.)

**NAMES.**

**OCCUPATIONS.**

*Congressman* .....

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(Names of individuals, in their own handwriting, preceded by Mr., or Mrs., or Miss. Add more paper for other signatures.)

(SIGN BOTH PETITIONS.)

**NAMES.**

**OCCUPATIONS.**

## HOW SUNDAY TOILERS FEEL.

A few years since some 450 of his locomotive engineers petitioned Mr. William H. Vanderbilt for "the cessation of Sunday labor." After pointing out how Sunday running had become "a great hardship," they continue: "We have borne this grievance patiently, hoping every succeeding year that it would decrease. We are willing to submit to any reasonable privation, mental or physical, to assist the officers of your company to achieve a financial triumph; but after a long and weary service, we do not see any signs of relief, and we are forced to come to you with our trouble, and most respectfully ask you to relieve us from Sunday labor, so far as it is in your power to do so. Our objections to Sunday labor are:

(1) This never-ending labor ruins our health and prematurely makes us feel worn out like old men, and we are sensible of our inability to perform our duty as well when we work to an excess.

(2) That the customs of all civilized countries as well as all laws, human and Divine, recognize Sunday as a day of rest and recuperation; and notwithstanding intervals of rest might be arranged for us on other days than Sunday, we feel that by so doing we would be forced to exclude ourselves from all church, family and social privileges that other citizens enjoy.

(3) Nearly all of the undersigned have children that they desire to have educated in everything that will tend to make them good men and women, and we cannot help but see that our example in ignoring the Sabbath day has a very demoralizing influence upon them.

(4) Because we believe the best interests of the company we serve, as well as ours, will be promoted thereby, and because we believe locomotive engineers should occupy as high social and religious positions as men in any other calling. We know the question will be considered: How can this Sunday work be avoided with the immense and constantly increasing traffic? We have watched this matter for the past twenty years. We have seen it grow from its infancy until it has arrived at its now gigantic proportions, from one train on the Sabbath until we now have about thirty each way; and we do not hesitate in saying that we can do as much work in six days with the seventh for rest, as is now done. It is a fact observable by all connected with the immediate running of freight trains that on Monday freight is comparatively light; Tuesday it

strengthens a little, and keeps increasing until Saturday, and Sundays are the heaviest of the week. The objection may be offered that if your lines stop, the receiving points from other roads will be blocked up. In reply, we would most respectfully suggest, that when the main lines do not run tributaries would only be too glad to follow the good example. The question might also arise, if traffic is suspended twenty-four hours will not the company lose one-seventh of its profits? In answer, we pledge our experience, health and strength, that at the end of the year our employers will not lose one cent, but on the contrary, will be gainers financially.

Our reasons are these: At present the duties of your locomotive engineers are incessant, day after day, night succeeding night, Sunday and all, rain or shine, with all the fearful inclemencies of a vigorous Winter to contend with. The great strain of both mental and physical faculties constantly employed has a tendency in time to impair the requisites so necessary to make a good engineer. Troubled in mind, jaded and worn out in body, the engineer cannot give his duties the attention they should have in order to best advance his employer's interests. We venture to say, not on this broad continent, in any branch of business or traffic, can be found any class in the same position as railroad men.

They are severed from associations that all hold most dear, debarred from the opportunity of worship, that tribute man owes to his God; witnessing all those pleasures accorded to others, which are the only oases in the deserts of this life, and with no prospect of relief. We ask you to aid us. Give us the Sabbath for rest after our week of laborious duties, and we pledge you that, with a system invigorated by a season of repose, by a brain eased and cleared by hours of relaxation, we can go to work with more energy, more mental and physical force, and can and will accomplish more work and do it better, if possible, in six days than we can now do in seven. We can give you ten days in six if you require it, if we can only look forward to a certain period of rest. In conclusion, we hope and trust that, in conjunction with other gentlemen of the trunk lines leading to the seaboard, you will be able to accomplish something that will ameliorate our condition."

motive engineers in Washington one of them said that in seven years he had never been free to spend a single Sabbath with his family, and that when he did get to see them for a few hours he was often so weary for lack of regular rest that he would fall asleep while eating and have to be aroused by his little daughter to complete his meal. It was in such a home that the little girl, when her mother had read the story of God's seven days in Genesis, said, pathetically, "We shall have to get God to make an *eighth day* so that papa can rest and be at home with us." Instead of asking God to make an eighth day let us restore the seventh that He "made for man" at the beginning.

Who can picture the value of the Sabbath in the poor man's home? God's two first gifts to unfallen man were the family and the Sabbath, the Jachin and Boaz pillars of strength and beauty before that Edenic temple of innocence. Those pillars have been scarred by the fall but are still the chief pillars of Christian civilization. They stand or fall together and with them civilization itself. Behind these pillars, in the Sabbath at home, thousands have found, even in this world, their paradise regained. They are precious to the rich, for in these days the millionaire is held to his toil through the six working days by his competitor almost as closely as his employees by their master. But yet more precious is the Home Day to the poor. Better even than its sweet restfulness, better even than its release from routine, better even than its opportunities for increasing intelligence, is its escape from all human mastership. One day in every week the poor man has full possession of the two chief treasures of the richest and the mightiest, independence and home fellowship. Never so appropriate as at Sabbath twilight, in the home circle is that song of the heart, "Home, home, sweet sweet home." He who drives or allures men from this second Eden to Sunday work or Sunday dissipation to gratify his greed

or lust is that old serpent the Devil or his agent.

The railroad tracks of the United States, long enough to girdle the world thirteen times—an unlucky thirteen unless Sunday work is stopped—are the Laocoon coils of a serpent that is crushing the father and children together—their life, their morals, their happiness—in a million homes.

As Dr. John Hannon, of San Francisco, has said: "Every Sabbath morning our civilization stands, like Shylock, crying for its pound of flesh."

A railroad conductor recently told me that during the previous month he had worked thirty-eight days, and that another conductor on the same line had worked forty. It must have been the latter's boy who said that his father worked "fourteen months in the year." Accidents, sometimes, reveal the fact that railroad men work even more than that. The engineer who was found guilty of manslaughter for the Mud Run disaster had been seventy-two hours on duty with only six hours rest. That was working at the rate of nine hundred and twelve nine hour days per year. His manager ought to have been found guilty of murder in the first degree. (Applause.)

Look at a railroad map of the United States and you will see that all our States are in the meshes of one immense spider's web. It is said that the close of the nineteenth century will find the entire ownership of our railroads vested in twenty-five railroad kings. If that be so, then the opening of the twentieth century will find this nation the "*pocket borough*" of a railroad trust, or it will find the railroads owned and controlled by the nation. (Applause.).

Such a law as we ask of Congress would be welcomed by not a few of the

#### RAILROAD MANAGERS

themselves, most of whom lack the moral courage to stop their Sunday trains while such trains are run on rival roads, though they believe, with the engineers, that no more money is made by seven day's railroading per week than



would be made by six with employees improved in many ways by the Rest Day. The "good-will" of a store has a cash value, and so has the good-will of employees.

One who uses refrigerator cars vary largely, and who believes that they remove all necessity for Sunday freights for perishable goods, says that one or even two days of delay en route makes no increase of expense. The new cars for live stock make it possible to give even those who run stock trains their Rest Day without cruelty to animals. I am informed that the interstate law requires that they should be stopped every twenty-eight hours in order to prevent them from becoming feverish and so unfit for the people's meat. At the time of the first hearing on our petition at Washington, the Senate was debating, at great length, an interstate commerce bill to protect the health of cattle in transit—doubtless the very bill just referred to. We suggested that it would be appropriate to give as much time to the consideration of *our* proposed interstate commerce bill for protecting the health of more than half a million railroad men by giving them their weekly Rest Day. That the Senate did not do so is but one more proof of labor's just charge against legislators, that persons are less protected than property.

Do you say, "I believe in stopping most of the Sunday trains, but surely

#### THE TRANS-CONTINENTAL TRAINS,

that require seven days to cross the country, ought not to be stopped in midcontinent any more than a steamboat in mid-ocean." That steamboat cannot be thrown at us from mid-ocean much longer. When Mr. Moody can preach in Queenstown on one Sabbath, and in New York City the next, and when six day trips are getting too common to publish, we are very near a time when an awakened Christian and humane sentiment may insist on adding some, at least, of the steamboat men to the list of those who may have a share

in the weekly Rest Day. As to the trans-continental train, it has once crossed our continent in three days and a half, carrying a theatrical troupe from New York to San Francisco, and if the American people desire to emancipate the overstrained railroad men from their Sunday slavery, the few business men who are in such a hurry to reach the insane asylum as to cross our great continent in one unbroken trip, will be able to do it by starting on Monday or Tuesday or Wednesday. (Applause.)

Surely the law we seek is in accord both with man's constitution and with the United States' Constitution. The cry that this humane law would be

#### A PRACTICAL UNION OF CHURCH AND STATE

encounters its most serious difficulty in the fact that it has been indorsed, not by churches only, but the highest assemblies of labor. When it is asserted that this movement to secure a law of Congress against Sunday work is really an effort of ecclesiastics to unite church and state, I am accustomed to hold up some of the petitions that have been smutted by the hands of the toilers as they have signed them while at their work, as you see in this one from the car shops at Richmond. In old England the barons as you remember, thought it beneath them to do even such mental work as is required in education, and so had servants do both their reading and writing. When a servant had written a deed, the baron, in place of signing his name, dipped the inside of his hand in a plate of smut, and stamped its picture on the document—the lines of every man's hand being as different from every other's, as his handwriting would have been—and then, turning his hand, he stamped his seal ring into the hot wax. So originated the term, "Witness my hand and seal." So to those who call the effort to secure a Rest Day for the toilers, a church and a state movement, Labor replies, uplifting the smutted petition, "This is genuine labor reform—this six day law—witness my hand and seal." (Applause.)

## SABBATH JOYS AND SUNDAY AMUSEMENTS.

*Talmud*: "Rabbi Chanina wrapped himself in his festal cloak and when the Sabbath eve was on the turning point he said: 'Let us go out to meet the Sabbath—the Queen.'"

*Epistle of Barnabas*: "We keep the eighth day with joyfulness, the day also on which Jesus rose again from the dead."

REV. R. S. MACARTHUR, D. D.: "A week without Sunday is like a country without the smell of flowers or the song of birds. It is like a year without a Summer—nothing but bleak, barren, frozen Winter."

*Toledo Commercial*: "In proportion as loose ideas in regard to the Sabbath grow, the number of persons required to work on that day increases."

*New York Journal of Commerce* (June 3, 1889): "It is not bigotry nor fanaticism to insist that one day in seven shall be set apart for peace from business cares and secular pursuits. In our judgment no people will prosper who disobey this law which is written in the very constitution of the material universe, as well as in the revelation which is sacred to so many hearts. This demand to do away with the sentiment that prevents the turning of the first day of the week into a grand holiday is not in the interest of the poor laborer. The moment this restriction is wholly abolished, Sunday will become a working day and not a day of rest for the poor."

DR. EUGENE BERSIER, *Gospel in Paris*, p. 171: "We are often surprised when we compare the physical degeneracy of the workmen in the French centers of industry with the vigour of the English operatives. Do you not think that the observance of the Lord's Day may be one of the causes of this difference?"

T. DEWITT TALMAGE: *The Champs Elysees* one great mass, one great mob of pleasure seekers; balloons flying,

parrots chattering, footballs rolling, Punch and Judy shows in scores of places, each with a shouting audience; hand organs and cymbals and all styles of racket, musical and unmusical. And then as the day passed on toward night, I stood and saw the excursionists come home, fagged out men, women and children, a great Gulf Stream of fatigue and irritability and wretchedness. A drunken Fourth of July instead of a Christian Sunday. If you have ever been in Brussels or in Paris on the Sabbath day, it requires no great persuasion on my part to get you to pray morning, noon and night that such a Sabbath may never come to this country."

PROFESSOR LUTHARDT, Leipsic: "England and America are richer than Germany because they keep the Sabbath better."—*Quoted by Prof. Wilcox in Advance*, June 2, 1889.

*The Nation*: "The footing of Sunday as a day of rest is almost as precarious in Germany as its footing as a day of religious observances."

REV. JOSIAH STRONG, D.D., author of "Our Country," in sermon on "The Civil Sabbath": "The Continental Sabbath can hardly be called a day of rest. The time not devoted to business is, by the multitude, given up to amusements. But many amusements can no more take the place of the *Sabbath* rest than of *night* rest. Reaction may be afforded by a change of activities, but the intense living, the headlong rush of this generation, stands in peculiar need of repose, the rest which comes only from quiet. As a matter of fact, a holiday Sabbath is commonly followed by a jaded Monday. Among the lower class of operatives in France, Germany and even in England, the effects of Sabbath dissipation very commonly make Monday an idle day. European manufacturers say that American workmen earn more than European by being able to do work

Mondays. Among us, wherever the Continental Sabbath has prevailed, Monday is the poorest workday in the week, showing that Sunday amusements have served to exhaust rather than recuperate."

PROFESSOR HERRICK JOHNSON, D.D.,

"The American Sabbath is a civil institution, recognized and embedded in our law as a conservator of public morals and as conducive to public order. No civil process is valid that is served on Sunday, except in extreme cases. In many such ways the Sabbath is in our law as a civil institution, recognized, provided for, and perpetuated. The need of this day of rest is laid of God in the constitution of the body, and, therefore, the Sabbath is the most effectual shield thrown around the laborer, protecting his liberty, his health, his home, and guarding alike against the tyranny of capital and the license of anarchy. One of the most anomalous things in connection with this whole discussion is that laboring men should ever be found opposed to this Sunday movement. Let the exact nature of this question once be thoroughly understood, and honest, self-respecting labor will rise as a wall of adamant against the encroachments of capitalistic greed upon the Sabbath.

The claim of the Sabbath as a day of religious culture and worship is laid only on the individual conscience, and is not to be enforced by legal statute. It is no part of this Sabbath movement to make people good by law. We do not propose to force religion down people's throats. God alone is Lord of the conscience, and has left it free from the doctrines and commandments of men.

While we do not seek by law to enforce the religious observance of the Sabbath, yet 'every individual has the right to the enjoyment of the Christian Sabbath without liability to annoyance from the ordinary secular pursuits of life, except so far as they may be dictated by necessity or charity.' Supreme Court, 40 Ill. R., 146."

REV. H. D. GANSE, D. D. "There is a broad ground on which all fair-minded men and good citizens ought to stand together in maintaining by law a weekly day of rest from labor, for religious opportunity, and of safety from the gambling-hell and the saloon. Where the laws of a community are already planted on that ground, and the magistrates do not enforce them, those magistrates are offenders against common morality. They are making no issue with religious fanaticism. Fanaticism has nothing to do with this question of human nature's right to a weekly day of safe rest. The denial of that right, in whatever phrases of liberty it may dress itself, has one main inspiration—the gain which some men can make by breaking down the Sunday that defends other men."

JUSTICE FIELD, *U. S. Supreme Court*: "Laws setting aside Sunday as a day of rest are upheld, not from any right of the Government to legislate for the promotion of religious observances, but from its right to protect all persons from the physical and moral debasement which comes from uninterrupted labor. Such laws have always been deemed beneficent and merciful laws, especially to the poor and dependent, to the laborers in our factories and workshops, and in the heated rooms of our cities; and their validity has been sustained by the highest courts of the States."

HENRY GEORGE: "I believe that the institution of the Sabbath is one of the greatest benefits that the human race ever had. I believe in the strict enforcement of the law that prevents servile labor being carried on on the seventh day."

GRAHAM :

"Hail, Sabbath ! thee I hail, the poor man's day !  
On other days the man of toil is doomed  
To eat his joyless bread lonely ; the ground  
Both seat and board ; screened from the Winter's  
cold  
Or Summer's heat, by neighboring hedge or tree ;  
But on this day, embosomed in his home,  
He shares the frugal meal with those he loves."



# FAIR PLAY AND SUNDAY PLAYS.

AN ADDRESS BY REV. WILBUR F. CRAFTS,  
ON NOVEMBER 24TH, 1889, IN MAC-  
AULEY'S THEATRE, LOUISVILLE.

The American Sabbath is feeling the beneficial effects of the revival of Americanism. But the motto, "America for Americans," to my mind is un-American as well as un-Christian, unless you mean by it "Americans in spirit, born under whatever sky." Of these we cannot have too many. Some of you have heard of the Irish wife who said: "Moike was naturalized lasht wake, but it didn't take. He spakes wid as strong an Oirish accint as iver." We have no room for Irishmen who will not be Americanized—to use a better word than naturalized—but plenty of room for real Irish-Americans, whose ideals and loyalty have no foreign "accint." "America for Americans," strictly interpreted, would send us all back to Europe, Asia or Africa, except the Indians.

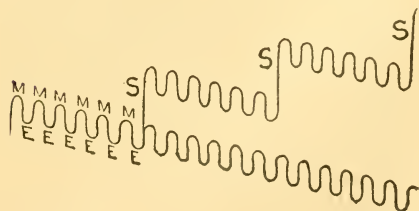
A man in New York went before a judge for naturalization. He was asked, "What is your nationality?" He replied, "I don't know. Judge, I wish you would tell me. My father was an Englishman, my mother a Spaniard, and I was born on a French ship flying the Dutch flag. I want to make the rest of the voyage of life under the Stars and Stripes." Such a man is "Brother Jonathan," a conglomerate British-Spanish-French-Dutchman, voyaging under the Stars and Stripes. Since this composite blood flows in all our veins, let us revise our watchword, and say, "America for *American institutions*." Nothing more fitly embodies this watchword than the defense of the American Sabbath, to whose rest of body and mind, to whose diffusion of knowledge, and of conscientiousness, to whose mingling in the churches every Sabbath of rich and poor as equal sons of God, we owe, more than to almost anything else, the fact that we are not, like France of the holiday Sunday, a republic "good for this day only," lying uneasily in the crater of a not extinct volcano.

This brings us face to face with the

question of Sunday amusements. Who can doubt that the difference between the "Frenchy" Sunday and the American Sabbath has a causative relation to the corresponding difference between the transient French Republic and the rock-firm American Republic. The character of persons and of peoples is determined more by their use of leisure than by business hours. Tell me which way a man goes for his evenings and his Sabbaths, and I will tell you which way his life is going. Any people who spend their Sabbaths partly in toil and the remainder in dissipation or childish play can never develop enough manhood to safely govern themselves. Sunday amusements therefore have an important bearing upon civil as well as religious affairs. It is this civil aspect which I propose to consider. "Bread and games" was the dying cry of the Roman Republic. "Sunday beer and games" our sovereign people will not grant, to their own political destruction.

Let us approach this question by the firm steps of four generally admitted propositions.

*First*: There is in the civilized world almost universal acceptance of the proposition that *a weekly Rest Day is a natural need, and so a natural right of man*. "By the following simple but graphic diagram, Dr. Haegler exhibits the expenditure and partial recovery of the forces in the ordinary daily labor and nightly rest, and the need and effect of the supplementary rest of Sunday, to maintain them at the level of highest efficiency."



"Beginning on Monday morning, each downward stroke to E (evening), marks the daily expenditure of energy, and the upward stroke the nightly recovery, which does not rise quite to the height of the previous morning; so that there is a gradual decline during the week, which only the prolonged rest of Sunday repairs. The downward line shows the continuous decline of the forces when they are not renewed by the weekly rest."

Humboldt the Great, who was so far from being a religious fanatic that his followers debate whether he ever said anything favorable to Christianity, defended the weekly Rest Day as a natural law, scientifically proven. He called attention to the mad experiment of France with a ten-day week. It was soon found that one day of rest to nine of work was too little. Many persons, therefore, added, as a voluntary rest day, the abandoned Sunday, making two rest days in each of their ten-day weeks, but one day of rest to four of work was found to be too much, and so the nation that had jumped the track of God's laws, after dashing about perilously for a dozen years on the ties, returned to the track of the seven-day week. Judge Field reminds us that there are very few points on which so many statesmen, scientists and philosophers are agreed as on the necessity and value of the weekly Rest Day.

*Second:* There is the same general agreement that this weekly Rest Day must be *the same day for all*. It will not do to have the bricklayers rest Monday, and the hod carriers Tuesday; the bankers Wednesday, and the merchants Thursday; the judges Friday, and the lawyers Saturday. In business life men are coupled like the cars of a train—they must all be "on the go," or all stop together. Besides, rest requires fellowship. Friends must rest in company or they might as well not rest at all.

*Third:* The agreement is nearly as universal that this common Rest Day must be *protected by law*. When a people conclude that employees ought not to be kept at work more than ten hours

a day they make a "ten-hour law" to restrain unjust masters in the interest of their employees and their competitors alike. So when a community is persuaded that men ought not to work more than six days per week (except in cases of necessity) they need to put their conviction into a *six-day law*, that is, a Sabbath law, to restrain those who would not otherwise be just to their competitors and their employees.

*Fourth:* There is general agreement also that in prohibiting Sunday work, the State should make *three exceptions*, namely, (1) for works of necessity, (2) for works of mercy, (3) for private work by those who observe another day of the week.

Works of real "necessity," in the very nature of the case must be permitted on every day. The difficulty is that the word "necessity" is racked by legislatures, courts and police until it is mangled beyond recognition. The contradictory decisions in Massachusetts courts, one declaring that shaving on Sunday at a barber shop *is*, and another that it is *not* "a work of necessity," suggest that "justice," so far from being "blind," is cross-eyed and looks two ways at once. There are many other illustrations of this which suggest that the definition and enumeration of "works of necessity" should be done, as far as possible, by legislatures, not left to police courts.

Works of mercy are the very best rest from work for money, because so complete a change of thought.

In most of our States a further exception is made for those who regularly and religiously observe the Saturday Sabbath. They are allowed to do such private work on our Sabbath as will not destroy the general rest. Too little attention is given by legislators, judges and police to the adjustment of the rights of the minority to those of the majority in this matter. No State can justly allow those who keep Saturday to open shops for traffic on the general Rest Day, unless it be in some exceptional colony where all who buy, as well as all who sell, are Saturday-

keepers. Those whose convictions forbid them to sell on Saturday should choose some other mode of livelihood than shop-keeping, unless they can do their week's work, like school teachers, in five days.

#### WHY SUNDAY AMUSEMENTS ARE FORBIDDEN BY CIVIL LAW.

By the foregoing steps we have climbed together to the portals of *the Sabbath question*, namely: *Cannot another exception be added for Sunday amusements?* As ministers, sextons, singers, doctors, druggists, nurses, servants, are allowed or required to follow their usual avocations on the Rest Day, and must get their weekly rest wholly or in part on some other day, or parts of other days, may not the civil law, apart from religious considerations, allow theatres and railroads to work their employees on all or a part of the Rest Day in furnishing public amusement, provided they are given some other day for rest? This is *the Sabbath question*, the most critical, the most vital part of the whole subject.

Nearly all our States, in the latest revisions of their laws, have answered this question in the negative. Why? Not because Sunday amusements are regarded by Christians as sinful. Our legislatures, in recent years, have not been open to the complaint of being so over-pious that they lean the other way. If Sunday amusements were not crimes against man, as well as sins against God, they would not be forbidden by the legislatures of to-day.

To those who say that the opposition to Sunday amusements is not at all due to a humane interest in preserving the Rest Day, but is only an attempt of the preacher to corral a congregation by shutting up everything but the church, the answer is that the church certainly does many things out of Christlike humanity, with no reference to filling its pews or its purse—notably in building and maintaining hospitals for incurables, and many more things through unselfish interest in public morality.

**The State forbids Sunday amusements**

partly because they deprive thousands of men of their share in the weekly Rest Day, without any such valid plea as that of mercy or necessity. Actors, for instance, have often protested against their Sunday work. There is, in the case of many of these amusements, street parades, for instance, the added reason that they rob the community of its right to a quiet day—so much needed in this age of extinct leisure, when the week days are so largely spent in vexatious helling to the telephone and anxious running after trains, by which our nervous account is heavily overdrawn. The chief reason, however, why civil law forbids Sunday amusements, is not the injury that comes to individuals from Sunday work and noise, but the fact that to allow them would be to destroy the Rest Day itself and so the body politic also.

This would occur, and does occur in this way. If the amusement vender is allowed to sell his minstrelsy, his tragedy, his comedy, his excursion tickets on the Rest Day, the merchants who have better things to sell demand an equally early chance at the Saturday night's wages, and so toil and traffic of all kinds crowd into the Rest Day. When the State allows a poor man, because he has no refrigerator, to buy his cigars on Sunday morning, it must not forbid the clothier to supply his customers also on Sunday morning with coats "hot from the griddle."

There is a relation, you perceive, between fair play and Sunday play. You cannot have both in your Rest Day.

When Mr. Heath, of Brooklyn, introduced in the New York Legislature an amendment to the Sabbath Law, forbidding Sunday sales of candy and tobacco, it was laughed down as a "baby bill." But tobacco and candy in this case stood for equity and honesty, which are not babies. Why should these two kinds of merchants have a monopoly of the robbery of Sabbath schools and the manufacture of embezzlers?

Men talk about compromise efforts to stop common labor and ordinary traffic on Sunday, while tolerating amusement venders, as "practical Sabbath reform."



Nothing is so impracticable as injustice. The reason why many Sabbath laws are not enforced is that both officers and people feel that some of the things they permit have no better right in the Rest Day than those they forbid. The man who sells useless or harmful things may use the Sabbath for traffic, but those who return customers something of value for their money must close up and take the leavings of the Saturday night's wages. Such a statute is not law but lawlessness.

The only "practicable" law for protecting the Rest Day is one that impartially forbids all work for gain, except what public conscience and common sense recognize as clearly works of necessity and mercy.

The reasons for prohibiting Sunday amusements will appear more clearly as we apply them to concrete cases.

#### THE SUNDAY OPENING OF MUSEUMS

is coming up anew in connection with the World's Fair of 1892, whose policy on this matter will probably be decided long in advance. Already saloon organs insist that it must have Sunday openings or they will "not support it." The workingmen of England have treated this question with rare wisdom. Their opposition to Sunday opening was voiced by a two-thirds vote of the House of Commons the last time the issue was raised. A much larger percentage than that of the workingmen—namely, nine-tenths, 501,705 to 45,782—have petitioned against this so-called boon which idle cockneys seek to thrust upon them, not for religious reasons chiefly, but because these workingmen, with one day in the week to think, see that if they require or permit men to work on the Rest Day in museums that they may be amused, they cannot justly oppose the opening of theatres to gratify others who want more pepper in their amusement—something more exciting than a stuffed monkey and a cold statue. And those workingmen see, further, that if the theatre can use the Rest Day for money making, the factory cannot be equitably refused the same opportunity. This is

not mere prophecy on their part. These workingmen have seen the wedge, whose thin edge is the Sunday opening of the museum and the Sunday concert, driven home on the Continent. How slowly news crosses the Atlantic! In Prussia, 57 per cent. of the establishments engaged in manufacture, and 77 per cent. of those engaged in trade and transportation continue their business on the so-called "holiday Sunday"—keeping over two-fifths of all the wage earners of that country at their toil on the average Sunday. Those who require others to work the mails, and trains, and saloons, and printing presses, that they may be amused, will find that their own turn to work comes ere long. So says continental Europe. So says the "Wild West."

The only safe principle for either the individual or the State to adopt with regard to the Rest Day is: Every one must get his rest in a way that will not destroy the rest of others. Let the motto be: Rest and let rest on the Rest Day. Quiet walks, chats with books and people, home fellowships—these most restful forms of quiet recreation, furnishing the needed contrast to the excitements both of weekday business and weekday pleasures, have in them none of "man's inhumanity to man," as do those Sunday amusements that are provided by robbing those who furnish them of their right to rest and their rights of conscience.

#### SUNDAY CONCERTS

are, in three respects, more objectionable than Sunday museums; first, in that they are so often associated with drinking; second, in that they are usually violations of law; third, in that they add hypocrisy to criminality by pretending to be "sacred." Experience shows the wisdom and necessity of forbidding any Sunday entertainment that charges an admittance fee, however "sacred" it may pretend to be.

#### BUT WHY FORBID SUNDAY BASE BALL?

Even if it did not infringe upon the right of those living in the neighborhood to a quiet day; if it did not open

saloons and promote gambling; if it did not turn loose into suburban communities herds of hoodlums that terrorize the streets like Texas cattle; if it did not lead boys to disobedience and truancy and immorality; if it were as quiet as the most respectable theatre, it would be necessary to forbid it because its players are also paid actors, engaged in the business of selling amusement, and cannot equitably be permitted to use the day unless all others who believe the Sabbath was made for—*money*, are given an equal chance to fill their pockets at the cost of the general rest. There are amateur ball clubs as there are amateur theatricals, but the law cannot enter into these particulars. It must open the door to all public amusements or close the door to all. It cannot allow Sunday base ball and forbid horse racing except by a legislative crime against equity. Even if the reasons that lie back of the laws against Sunday base ball were not so clear, it ought to be enough to keep ever good citizen from these games that they are usually crimes, as there are few States in which Sunday base ball is not forbidden by law.

#### AS TO SUNDAY EXCURSIONS,

whatever arguments may be offered for them, surely it ought to be argument enough against them for any law abiding citizen that they too are violations of law. If the laws are unwise, let them be repealed, but meantime it is anarchy to advocate the breaking of laws that we disapprove.

But is there ground to urge the repeal of whatever laws interfere with the Sunday excursion? Do such laws promote or prevent rest and health and good order? Let us see. The talk about "worshipping God in nature" is the veriest hypocrisy. Better far, "square shouldered sinning" than such sneaking.

Observe that no one defends Sunday excursions for the people who reside in the country or in small towns and cities—for instance, Richmond, Va., from any part of which it has been found that a

person can in fifteen minutes' walk into the country. No one defends these excursions for the well to do people in large cities, who can often go into the country on week days; nor for those living near the parks, that bring the country into the city. The only people for whom the argument is seriously pressed is "the miserably poor in the slums of great cities." But why are they in the slums? There is "honest poverty," but there is not enough honest pauperism to count. The slums are as much of an affliction to their occupants, in most cases, as a pig pen is to a pig. Otherwise why do men pay as much for a single dirty room in lower New York as it would cost to hire a tidy tenement of three rooms near the Park; as much as it would cost to hire a little farm a few hours away in Connecticut? Reformers are continually embarrassed in their city work, because when a man in the slums becomes reformed and begins to earn a living he *moves up town*. The question is, whether it is better to send the slums out of the city one day per week, rags, rum and all, to make a slum of every quiet village in the suburbs, or whether we shall help men out of the slums altogether? This would be accomplished far more frequently than it is, if the many editors and the few preachers, and the Christians, not a few, who multiply the difficulties of the reformers by defending the Sunday excursion, which is their chief obstacle, would devote the same energy to cultivating in the masses a feeling of loyalty to law. This energy also might be used to better purpose in multiplying city parks, such as New York has voted to put as breathing places all through its slums, and in securing the Saturday half holiday, which cuts down work in the best Sabbath keeping States in the excursion season to five days and a half per week, while the States that neglect the Sabbath keep many of their wage earners at work for the whole seven days.

The argument that men might drink a little less on a Sunday excursion than in the Sunday saloons, that one

way of sinning is better than another, can be used to defend all crimes except the worst. If a Sunday excursion is better than a Sunday saloon, the saloon itself is better than the brothel. Of three evils, choose none and defend none.

"It is not often that Christian people welcome on a Sabbath day a cloudy sky and threatening rain. Yet, while regretting the influence of such a sky on the attendance upon the services of Christian churches, the decent people of suburban towns cannot refrain from saying to themselves and sometimes aloud to their families: 'Now we shall have a quiet, restful day. For the clouds and chilling winds prevent the incursions of the Sabbath breakers of the cities.' The townsmen are not compelled to guard their flower and vegetable gardens, their fruit trees and blooming shrubs from fierce thieves who answer words of warning with showers of stones."

It is too much forgotten that the poor cannot generally afford to go away on excursions every Sabbath. Those who contribute to the "Fresh Air Fund" for free excursions, it is noticeable, show out of what day they learned benevolence by not sending out their beneficiaries on the Sabbath. Women and children are usually as free to go on weekdays as on the Sabbath, and as to fathers, the whole holidays, and half holidays, and the days between jobs, and the days they are on strikes, afford most of them as many opportunities to take their families into the country as they can afford to use. How shallow the excuse, "The people have no other day to go!" New York State made Saturday afternoon a legal holiday and in the excursion months it was very generally observed by the closing of business. The released toilers then had "another day to go," a "day for humanity," besides the "day for religion." But instead of humanely refraining from Sunday trains in the interest of the railroad men, as many went on Sunday excursions as before. Not one Sunday train was taken off, nor was a new church added be-

cause the excuse for Sunday work and pleasuring was removed.

There does not remain to the lawless Sunday excursion even the defense that it is restful. I sent out, some years since, to merchants and manufacturers this question: "In your observation of clerks, mechanics and other employees, which class are in the best physical and mental condition for the renewal of business on Monday mornings, those who are church goers, or those who spend the Sabbath in picnics and other pleasures?" Every man of affairs knows what the answer must have been—a chorus of testimonies that those who had spent the Sabbath in "pleasure exertions" were not on hand at all on Monday mornings, but used the "blue Monday," and sometimes a tired Tuesday also, to get over the exhaustion of their Sunday excitements and dissipations, while those who had spent the Sabbath quietly were on hand in normal vigor to begin the week's work on time.

As a matter of fact, whatever may be said of "Sunday excursions *per se*," the real Sunday excursion is bad and tends to worse and worst. Refinement as well as religion taboos them. In California, where they have grown to ripeness and beyond, even the Sunday newspapers join in the general protest that has compelled some railroads to suspend them as nuisances. Think of a hoodlum picnic from San Francisco, after having terrorized a beautiful suburb all day, returning on Sunday night on a *train*, with *the lights turned out!* That, as one has said, is "the respectable Sunday excursion gone to seed."

If there were in these excursions neither weariness nor dissipation for the passengers, it would be sufficient objection that this pleasure travel breaks up the Home day for millions in the families of railroad men.

Do you answer that the engineer may have his Rest Day on Monday? Well, let us see what you are giving him. His wife is busy with her washing. It is her "busy day"—a day when it is good for a woman to be alone. His young children are at school, and his



grown sons and daughters in the factory, and his fellow-engineers on their engines. Such solitude is worse than work itself. What is it for which you give him this as a substitute—a general Rest Day, when his wife, and children and friends can give him that chief element of rest—congenial fellowship? Monday, Tuesday and Wednesday together would not be an equivalent for the God-given Day of which you have robbed both his heart and conscience. Even when your employer has refused to give you either the Saturday half holiday or early closing, you are not justified in making reprisals on fellow toilers by destroying their rest for mere pleasure.

In a certain walled city the professional men, the mechanics, the merchants, the hucksters, the carriers and the amusement venders were divided by their occupations into six guilds, each residing in a different district, with a separate gate. There came a giant against the city, and with his battering ram broke down, one after the other, the six gates that protected these six guilds and all they held dear, and let in his hungry horde of followers upon them. "Which things are an allegory." The city wall is the Sabbath, which protects these six groups in that which is almost the dearest treasure they possess, their weekly rest. The giant that breaks down all these gates is the Sunday newspaper. He breaks down the gate that protects the Sabbath rest of the professional man by requiring Sunday work of the editor; he breaks down the gate that protects the Sabbath rest of mechanics by requiring Sunday work of the printer; he breaks down the gate that protects the Sabbath rest of the merchant by requiring Sunday work of the newsdealer; he breaks down the gate that protects the Sabbath rest of the hucksters, by requiring Sunday work of the newsboy; he breaks down the gate that protects the Sabbath rest of the carrier by requiring Sunday work of the men in the mail service and on the trains. He breaks down the gate that protects the Sabbath rest of the amusement venders by sending out the Sunday

newspapers on the plea of amusement, thus opening the way for dime museums and theatres to claim the same right. There is not a single form of labor or business, nor a single form of public amusement, which a man can consistently condemn who either publishes or patronizes Sunday newspapers.

In this allegory is the conclusive answer to the shallow excuse that "the Monday paper requires most of the Sunday work." There need not be any Sunday work done on a Monday paper, and in some cases there is none. There are twenty-four hours outside of the Sabbath in which to make it up if no Sunday paper is issued. It is as if I gave a tailor a day's work to do for me between Saturday morning and Monday morning. If he uses the Sabbath instead of Saturday it is his fault, but if I require that same amount of work daily seven days in the week it is partly mine. As a matter of fact, the editorial staff and the printer do usually perform more or less of Sunday work on the Monday paper, *but this work of making up a paper, done by a few*

*is as nothing to the work of the hundred times as many who distribute a metropolitan paper after it is made up—the newsdealers, newsboys, post office employees, expressmen and railroad men who handle the paper all day long.* These have no Sunday work to do on "the Monday paper." The number of persons who do Sunday work in distributing a Sunday paper is, in some cases, a thousand times as great as the number that do Sunday work in making up its Monday edition.

The Sunday newspaper, then, from the standpoint of the civil Sabbath, is chiefly objectionable in that it involves and sanctions almost every form of Sabbath work, manufacture, trade and transportation. Mr. A. H. Seigfreid, of the *Chicago News*, an experienced journalist, says in view of this fact, "The Sunday newspaper has done more than any and all things else for Sunday secularization."

Dr. Herrick Johnson has characterized the Sunday paper as like the sheet

of Peter's vision in that it is "a great sheet, full of beasts and creeping things and fowls"—especially fowls; but unlike Peter's in that it is *not* "let down from Heaven" and in that God never "cleansed" it. But this description would apply also to many weekday issues of the daily press, and would not apply altogether to some of the Sunday papers. Dr. Janeway, of New York, speaking of the adulterations of liquor, said to me, "The worst thing that is ever put in liquors is the alcohol." The worst thing about a Sunday newspaper is that it is a Sunday newspaper, that sends its compositors to bed, and its distributors to work, and its readers into weekday ruts of thought, when they all should be left free for rest and fellowship and culture of conscience. The State that tolerates the Sunday work and Sunday amusement involved in a Sunday newspaper cannot consistently forbid any other form of Sunday work or Sunday amusement.

Let those who think to take the curse out of their Sunday paper by either not buying it or not reading it until Monday, reflect that a day's delay does not lessen the guilt of receiving stolen goods.

To all its previous load of sins against divine laws, and crimes against civil laws, the Sunday newspaper is now adding a conspiracy against conscientiousness.

Its publishers have been wont to shift the blame for their Sunday issue by saying, "The public demand it." If that were so, the public would hardly need to be awakened an hour earlier than on other days, and in streets never visited by newsboys on other days, by the loud "demand" of the paper for customers. Not content with this, the papers are advertising for half the week, in half-page advertisements, the attractions reserved with devilish cunning, for the Sunday edition. They tell the boys and girls of households that admit only weekday editions, in those editions, of the great rewards they offer to those who will sacrifice conscientiousness and buy the Sunday edition. They tempt preachers to violate conscience by re-

fusing, in many cases, to insert pulpit notices except on the Sabbath. They tempt the business man to violate his conscientious convictions in that they refuse those who take only weekday papers the news of Saturday and, in many cases, charge those as much who take only the other papers of the week as those who take the Sunday issue also. Worst of all, in some cases, in the West, they insist on delivering the paper on Sunday to those who request that only weekday issues shall be delivered to them, refusing to allow any subscriber any rights of conscience in this matter.

Whether the opposers of Sunday newspapers are right or wrong in their views, conscientiousness is too valuable to society to be thus crushed out.

Intelligence and conscientiousness are necessities of life to republics. Neither of these two necessities of life can be preserved except by preserving the Sabbath. Any conspiracy to destroy conscientiousness is a conspiracy against the Republic. Not only our politics, but our commerce also, must have conscientiousness. Neither Australian ballots nor bell punches can take the place of it. We cannot get along with machine-made honesty alone, either in the State or the street.

The Sunday paper which the New York *Herald* inflicted on London this year and which was resisted chiefly as an entering wedge for Sunday labor, reported a sermon as on the text, "*Pilot*, what is truth?" The truth is that a Sunday paper is never a good *pilot*. The man who keeps his mind unchangeably on gossip and politics seven days per week is almost sure to be wrecked physically, mentally and morally.

You say, "But it has come to stay." This profound argument, so often quoted as if it were a decision of the Supreme Court, has become so familiar that we must needs dramatise it.

#### WHAT IF IT HAS COME TO STAY?

Enter Fanatic followed by the tribe of Rahab, who cry to him, "Why do you try to destroy our vice? Don't you see we have come to stay? Our tribe is

older than Joshua. The practical thing for you to do is to tone down our language a little, if you can,—to receive us, in any case, into your homes among your sons and daughters, for we have come to stay.” Rev. Mr. Faithless, from the back of the platform, cries sadly, “Dear Fanatic, I am very sorry to say it, but I believe they *have* come to stay.” To which the Fanatic replies, “NOT AT MY HOUSE.”

But has the Sunday paper come to stay? Why should any one think so of an institution as recent as the war? We have seen institutions that had behind them more persons, more money, more political influence, more sincerity of conviction, and a thousand fold more of age give way before the march of ideas. Duelling is centuries older than Sunday papers, but who believes it has come to stay? Its death struggle is already on.

I see no staying qualities in the Sunday press. My own belief is that Sunday advertising, which is the mainstay of the Sunday newspapers, is a craze, like roller skating rinks, that has not “come to stay,” but has got to go. The two first merchants in the land, John Wanamaker and Marshall Field, get on without Sunday advertising, and many who are less wise will some day learn that the days to advertise are the days when readers can buy what is advertised. It is absurd to suppose that, with a score of blanket pages of gossip to read, and other members of the family waiting for their turn, the advertisements in the Sunday papers are so carefully read as to be generally remembered to the next day. When our Christian business men come to realize how they waste their money as well as kill their influence for good by opening their business on Sunday in newspaper columns—it might as well be at their stores—the Sunday newspaper will lose its mainstay and give its employees and the public a rest.

Both the advertisers in Sunday papers and their owners, as I know, are in some cases uneasy in conscience, and as they are very largely in the churches they ought to become more so rather

than less, and will, if pastors are faithful. Let some newspaper proprietor make the Saturday paper the special number of the week, both for reading matter and advertising, and prove the uselessness of a Sunday issue.

Equity should be used as a watchword for the enactment, improvement and enforcement of our Sabbath laws. In the general suspension of Sunday work and business there are three notorious exceptions. Let those who are in the habit of laying all the wounds of the Sabbath upon the “foreigner” remember that while he runs the saloon, the American keeps a yet larger number in Sunday slavery by his Sunday trains and Sunday newspapers. The saloons, the rains and the newspapers are allowed to carry on their business secretly, or publicly in the interests of their rich proprietors while the little shops of the poor are closed. A few Sabbaths since in New York, when all the rich florists were selling flowers without interference, contrary to law, a burly policeman arrested an Italian who was selling five cent button hole bouquets, and doubtless made him and all his friends anarchists. If such discrimination is made in the law itself the legislature perpetrates a crime against equity. Such law is violation of law and cannot long be enforced. The only law that can be justified in theory or maintained in practice is a law which impartially forbids, in rich or poor, all forms of Sunday work that are not works of mercy or necessity.

To those who say it would make a “blue Sunday” to stop all Sunday papers, Sunday excursions, Sunday mails, and to close up tobacconists and confectioners as well as saloons, the absolutely conclusive answer is, “Toronto.” There the Sabbath is a day of quiet rest, in which not the roaring train and the secret saloon, but the happy home and the cheerful church, are central. Were Toronto’s laws forced on its people by some iron ruler? Are they struggling for “personal liberty”? Nay, there is not even a visible minority that want our Sunday slavery. In



our country two millions are held in the Egyptian bondage of Sabbathless toil under the lash of Greed and Lust, who cry 'as' they ply the whip, "The few must sacrifice their Sunday rest for the comfort of the many." Tha "comfort" is severely disturbed by conscience, which points the Sunday excursionist not only to his sin against God,

but also to his crime against the men who are needlessly kept from rest and home and culture of conscience that he may be amused. And so, not only from Toronto, but from within, comes the confirmation of that profound Bible saying that in order to make the Sabbath "a *delight*" we must "turn away from *pleasure*."

## THE SUNDAY SALOON.

REV. R. S. MACARTHUR: "There are two great questions now before the American people; they are the suppression of the liquor traffic, and the preservation of the Lord's Day. These questions are really one. Destroy the saloon, and you do much to preserve the Sabbath. Preserve the Sabbath fully and you cripple the saloon greatly."

HON. T. V. POWDERLY, *Master Workman of the Knights of Labor*: "I believe in Sunday rest. So do the Knights of Labor. Disconnect me from all organizations, consider me as an American citizen, and I have to say, speaking for myself, that I have fault to find with the saloons. When the saloon is open on Sunday some workingmen's homes are closed. The dry goods man closes his place, but on the door of the saloon which has its curtain down and the front entrance shut you will find a legend directing you to the door that is open. If the dry goods man is compelled to close on Sunday the saloon ought to be closed. I believe that in five years the sun will shine on a country whose saloons are closed on Sunday. If I had my way the saloons would be closed until the next Sunday.

What have the saloons ever done for humanity? How many souls have they saved? How many people have they clothed, except the saloon keeper's family? When men have a strike the saloon keeper often contributes more than the dry goods man, but he robs them of more. I never knew one of them to give a cent that he did not expect a dollar in return. Why shouldn't they close on Sunday? I know of no class that needs a rest on Sunday more and time for thinking about their souls. If they will not do it voluntarily, let us make them do so. I would advise you to keep up this agitation. Don't let these meetings stop. If any of you are legislators or counselors, use your influence to secure Sunday closing. If any

one having the power to make the laws or to enforce them refuses to aid you, select some one who will."—*From report in Chicago News.*

Boston *Post* (Democratic), *Editorial Correspondence*, March 26, 1889: "Much has been said and written about the innocent and wholesome custom of beer drinking as pursued in some public hall or garden by whole families, the children included. But apart from the moral and physical benefits to be derived from swallowing immense draughts of lager, the circumstances under which it is done on a Sunday are not pleasing. The following is an account of a typical beer garden:

'It was as hot as a furnace, garishly decorated and lighted, and filled to overflowing with a motley crowd. Little tables, with four seats at each table, were arranged as closely together as they could be. Every seat was occupied, and a fringe of humanity stood up around the walls. There were perhaps 400 men and boys, and fifty women in the place. Clouds of smoke from 400 cigars, cigarettes and pipes made the hot air stifling. The rattle of beer glasses on the tables could be heard above the clamor of voices and the waiters crying for beer at the bar. At one end of the room was a sort of stage, and at one side of it a piano of cracked and uncertain tone, on which a young man thumped out at intervals faintly recognizable waltz tunes. Whenever he seemed to get tired, a short-haired young woman, dressed in black, with hectic cheeks, sang variety songs. But neither to the tinted young woman nor to the piano of antique tone did the company pay the slightest attention, but called steadily for beer. A stream of people went in and out of this resort, and the policeman on the corner leaned on a lamppost and looked at the stars.'

Better than this, from every point of view, is the most ultra-Puritan Sunday."

Denver *News* (Democratic): "Nearly all lines of business take a rest on Sunday, and there is no reason why a traffic that is always harmful, and trebly so on that day, should be an exception. There will be no let up in the fight until the dives and saloons are all compelled to respect the law and the Sabbath day."

Chicago *Tribune* (Republican): "The American people will not submit to a nullification of their laws. Saloon keepers must obey them the same as any other class of people. This has nothing to do with prohibition. It is purely a question of the supremacy of the law. It is the same question that was settled in our Haymarket."

*The Voice, New York* (Prohibition): "'Blue laws'—you may call them, gentlemen; but blue, black, or green, they are the laws, and if Gambrinus proposes to defy them, it is high time he had his treasurable neck in a noose."

New York *Sun* (Democratic): "It is indisputable that the opening of the saloon on the first day of the week would be the 'entering wedge' for the destruction of Sunday as it has been observed so long in both this country and England. With the saloon legally open it would not be many years before the theatres also would be open, and by the beginning of the next century Sunday in New York would be as it is now in Paris. Every place would be opened. Shopkeepers would not be able to resist the temptations offered by the holiday and the crowds of pleasure seekers on the streets, while the churches might suffer from the increased secular competition, for already the majority of the people of New York are irresponsible to their appeal. That such an innovation would deprive great numbers of laborers of their one day of rest in the seven cannot be disputed. If our Sunday becomes like the Sunday of France and Germany, of course it will be a day of labor to something like the same extent it now is in those countries.

Here, as there, many thousands of people will work the week through, their greed or their poverty preventing them from taking a day of rest."

MANLY TELLO, Editor of *Catholic Universe* (at Ohio Sabbath Convention, Dec. 17, '89): "It would be an abuse of toleration should the followers of Christ permit the followers of Bacchus to force them to the wall by the opening of saloons on Sunday. We Catholics are with you for the whole term of the war for a legal protection of the Day. If Christian men thought less of their political gods, and more of humanity, there would be a joint Catholic and non-Catholic Christian lobby at the Capital that no legislator would dare disregard in the interest of the Sunday saloon. For the sake of noble, suffering womanhood let the saloons be closed at least on Sunday, that the homes may rejoice."

FATHER C. A. WALWORTH, of Albany: "It is hard for me to comprehend that large class of men who, although they love law and order, yet have so long been willing to vote for the friends of drunkenness and disorder, who venerate the 'Lord's Day,' and yet have no votes to defend it. It is a deep mystery, this moral apathy, which will allow so many respectable and religious men in your city of New York to send here to Albany year after year, the same representatives whose only acknowledged constituency is the 'liquor ring.' I trust that this thing has now come to an end. The Personal Liberty party (God be thanked for their folly), have now forced us into a position where we must either renounce all hope of law and order, and prove traitors to our faith in God, or else crush these slaves of the liquor traffic beneath our ballots. We must now either yield up the great day of Christian worship to the demands of lawless greed, or vote down the men who would by their votes destroy it. The motto of all true men at this critical time should be 'The Lord's Day—it must and shall be preserved.'"



## SUNDAY CLOSING OF SALOONS.

AN ADDRESS BY REV. WILBUR F. CRAFTS  
IN TABOR OPERA HOUSE, DENVER,  
JUNE 23, 1889.

Magnificent Colorado is "the crest of the continent," and Denver is the crown of the crest. No other of the great cities of America is walled with such golden mountains, or located in such heavenly atmosphere. It is as if, a mile above New York, a great city had been built on anchored balloons, where the sick could go for mountain air, not at great cost, but at great gain, to get money and health at once. Your homes and public buildings and business establishments and auditoriums are not surpassed by any other city of equal size. What is better, your people, a majority of them, are refined and law-abiding, many of them aggressively good. These were my thoughts as I was driven about your streets on Friday. If I had been a father traveling with grown sons, seeking for them a settlement, I would have said, "Seek no further." But I went through your streets again this Sabbath morning, and if I had been seeking such settlements for sons, I should have said to them, "We must seek further or else wait a little for Denver to root up these remains of its wild-west oats—these Sunday saloons that openly defy the laws of the State, and lead others to like crimes in other open shops all about them. Why should any one want a stimulant on any day in Colorado? Its very atmosphere is white wine, quickening the movements of both heart and foot. Surely nature needs no whip in such a climate.

It seems incredible that any one can break the Sabbath in such a State as Colorado, where the first sight that meets the eye as he goes forth at morn is white-robed mountains standing like angels at the gate of Heaven and looking earthward through the gate of God, as if in benediction. Every Colorado man should put the mountains into his daily thanksgiving. A young woman riding on the cars through Central New York, said to a fellow passenger, pointing out of the window: "I suppose that is what you call a hill?" "Yes, did you

never see a hill before?" "Never, except in pictures." "Where did you come from?" "From Kankakee in the prairies, and I thought it was about time I was getting out to see something."

The best soil for raising men is in the hills and mountains. In such soil grew the Waldenses, the Swiss, the Scotch, the Welsh.

In God's book of nature Colorado is a glorious psalm and sin in such a place is sacrilege. Not one little spot, but the whole State is the Garden of God. Alas, that there should be such weeds left in it as Sunday saloons. When these are removed through the present uprising of good citizens, and when the saloons are also rooted out of all the other days of the week, Colorado will be the crest of the Continent indeed, and Denver its untarnished crown. (Applause.)\*

In the presence of this magnificent audience, which compliments Denver by its wholesale sacrifice of Sabbath afternoon naps for this meeting in the interest of reform, I wish to submit three reasons that I sometimes give, in speaking to Chambers of Commerce, why merchants and manufacturers, as such, should take a part in closing the Sunday saloons.

First, let us note a reason why the *merchant*, as such, should lend a hand. The recent Sabbath Congress in Paris, advised that pay day should be changed from Saturday to the early part of the week. This would help both the Sabbath and the Saturday half-holiday. Since only those who wish Sunday drunks or the profits of them oppose this proposal, is it strange that it makes so little headway? At present nearly all employees are paid Saturday night, and there is more money in the pockets of the people when Sabbath morning dawns than on any other morning. This money the merchants want. They will race hard for it. But the law says,

\*Nine months later the people crowded the same auditori to celebrate the accomplishment of Sunday clos which had been secured by a union of good cit ns at the polls.

"Halt for the Rest Day, and all start together Monday morning." A great majority of the merchants obey orders, for the law's sake, or for conscience sake, or for their employees' sake, or for their own sake, or for all these reasons. The liquor dealers, however break out of the line, and get a whole day's start in this race for the Saturday night's wages, take the cream and the very milk itself, leaving to honest merchants, who make "a fair exchange," only the dregs of debt. Surely merchants who are timid about taking up moral reforms should take up Sunday closing as a matter of business, and stop the depredations of the Sunday saloons as they would suppress a horde of burglars. (Applause.)

The Sunday saloon robs not only the honest merchant of his share of the Saturday nights' wages, but also the *manufacturer* of his right to sober workmen on Monday and Tuesday. In Exeter Hall, London, June 14th, 1875, Mr. B. Whitworth, M. P., said that in a business concern with which he was connected, which employed about 7,000 men, work had to be given up altogether on Mondays because so many of the men were detained by Sunday sprees, thus causing the company a loss of \$175,000 per year. Surely Chambers of Commerce cannot afford to ignore such a foe to business.

Let it not be thought that England monopolizes this state of things. At Trenton, New Jersey, I was told that the work in the potteries was greatly hindered not only on Monday but on Tuesday also by the Sunday liquor selling, and this same condition of things in Louisiana led its French Catholic planters, in commercial self defense, to their new policy of Sunday closing. The community must choose between the Sunday closing of saloons and the Monday closing of factories.

The third of these purely commercial reasons for Sunday closing of saloons, one that has a vital relation to the whole business community, I have already hinted at—the fact that *both the quantity and the quality of new set-*

*ters in a Western city is affected by the moral status of the city.* Many a New England father is wiser than Lot, who pitched his tent at Sodom, and so laid up, with riches which he could not keep, sorrow and shame that he could not escape. The famous "Committee of 500" that is fighting the Sunday saloon in Cincinnati have put on their banner, "For the *material* and moral interests of our city." The Sunday saloons, by eighteen years of unrestrained anarchy, educated a mob that not only burned the Court House but destroyed millions of prospective property by driving hundreds of residents away and keeping thousands from coming. By the law of like to like, the city that by lawlessness invites the lawless, and drives others away, makes it harder every year to recover itself.

Your Denver Real Estate Exchange was unusually sagacious when on March 11th last it adopted the following preambles and resolution:

"Whereas, an agitation now exists for the closing of saloons on Sunday; and

Whereas, in our opinion such a result would add to the already good name of the city, aid our wage earners in saving money, and thereby conduce to their buying homes and more family comforts, lessening our criminal dockets and hence our taxes, and redound to the benefit of our city; therefore, be it

*Resolved*, That we heartily approve of the desired object, Sunday closing, and that we urge upon all voters at the pending election to see to it that they vote for only such candidates as will carry out such plan, if elected, and that we will do all we can, as individuals, to aid in this laudable purpose."

Having given the reasons for Sunday closing that appeal especially to Capital, let me now submit one that belongs to *Labor*. I am told that in a recent "Sunday Rest Meeting" in Chicago, the largest petition presented was from its overworked bartenders, who have toiled early and late for seven days in the week for many years. Their Sunday work leads to work for other salesmen also. Wherever saloons are allowed to

open, either by law or custom, on the Rest Day merchants who have better things to sell, as I have shown, feel it necessary to do the same in order to get their share of the Saturday night's wages, and so the Rest Day itself is more and more destroyed wherever an unjust exception is made for any kind of business that is not a work of mercy or necessity. This consideration, wisely and patiently presented, ought to win to Sunday closing even drinking men, especially all the toilers, to whom the imperilled Rest Day is a precious boon.

The Sunday saloon not only robs many a clerk of his Sabbath rest, but also many a mechanic of his Monday's wages by disabling his fellow workman on whose work his own depend. Worst of all, the saloon, by its Sunday fascinations, robs many a laborer who would otherwise escape. There was deep pathos in the remark of a laborer's wife in Cleveland to her pastor in regard to her husband, "I think we could pull John through if it weren't for Sunday." Shame on us that we allow the American Sabbath to become a dread and curse in the homes of the poor, to which God sent it as a royal blessing!

There is a fifth reason for Sunday closing which appeals to *every man who values security of life, property, purity*. The worst foe of all these is the Sunday saloon. Liquor selling, bad enough on a business day is far worse on a general holiday. Liquor and leisure never meet but for mischief. It is worst of all when such a general holiday is in conjunction with a pay day and comes every week. Partial Sunday closing of saloons was ordered by Parliament for Ireland—the five chief cities, Dublin, Belfast, Cork, Waterford, Limerick, being excepted, and also "*bona fide* travelers," who were defined as persons who had journeyed three miles, which distance became at once, to a great multitude, "a Sabbath day's journey." But even this partial Sunday closing, in small towns only, reduced the total arrests for the day 51 per cent.—more than half—in the districts covered by the law. In such districts the drunken-

ness was only one-fifth as much as in the five cities excepted, in which last one-sixth of the drunkenness occurred on Sundays, while in the Sunday closing districts it was only one-seventeenth.

Sunday closing in Scotland, with no cities excepted, but only the "travelers," reduced the arrests for the day seven-eighths. Property, purity and life were only one-eighth as much imperilled on that day as before, because liquor selling was partially suspended. The same percentage of reduction in arrests was accomplished in Philadelphia during the first year of strict Sunday closing under the new Brook's law. With Sunday opening of saloons in Cincinnati one-third of the total crime of all days for the year occurred in their Continental Sundays. With Sunday closing even the *Commercial Gazette* admits that the city is as quiet as a country village and the police have nothing to do.\* This is sufficient an-

\*The story of this bravest of battles against the Sunday saloon is told in "Our Day," Boston, for Sept., 1889 and Jan., 1890. For other facts and arguments bearing on Sunday closing consult my "Sabbath for Man." (See "Liquor Selling," in Index). "Occasional Paper," Feb. 1885, page 54-63, of Lord's Day Observance Society, 20 Strand, W. C., London. Monthly Document of American Sabbath Union for June, 1889, 23 Park Row, New York. "A Plea for the Sunday Closing of Public Houses," Workingmen's Lord's-day Rest Association, 13 Bedford Row, London, W. C.

#### THE PURPOSES OF LIQUOR'S "LIBERTY LEAGUES."

The New York State Organization of German-American Societies propounded a series of questions to every candidate for the Legislature, among which were the following:

"Are you in favor of the modification of the present Excise and Sunday laws?"

Are you in favor of the passage of a general law permitting the sale on Sundays of light wines and malt beverages?

Are you in favor of the passage of a law permitting the sale on Sundays of light wines and malt beverages in cities of 10,000 inhabitants or over?

Are you in favor of the passage of a law permitting the sale on Sundays of light wines and malt beverages between the hours of 12 o'clock noon and 12 o'clock midnight, or during any other portion of such day?

Are you in favor of the passage of a law permitting the opening on Sundays to the public of art galleries, museums, and libraries?

Are you in favor of secular music on Sundays in public parks, squares, gardens, or halls?"

Unless answered in the affirmative, the whole liquor fraternity were to oppose their election.—*National Temperance Advocate Report, 1888.*

The Personal Liberty League of the West, says in its Constitution:



swer to the absurd fallacy of the Seventh day Adventist leaders, that idleness on Sunday, as in prisons, is a promoter of vice. It is only where saloons are open that there is more crime on the Rest Day than on others. Similar reductions of crime, and so of taxation as well as of peril to purity and property and life, have been achieved wherever else Sunday closing has been tried even for a single day. Sabbath laws are therefore consistent with liberty in the same way as other less effective laws for the prevention of crime.

Sunday closing is the law, not only in Ireland, since 1878, and Scotland, since 1854, but also in Wales, since 1886, in the seven Provinces of Canada, and in New Zealand, and in most of the Australian Colonies. In all these places the people cling to it as a blessing. That it ought to prevail in England is the opinion of a majority of its people as attested by petitions of more than five millions in six recent years, by the favorable opinion of four-fifths out of a million householders whose opinions were recently taken, and by a two-thirds vote of the House of Commons on March 24th, 1886.

Sixthly, *prohibitionists* should favor Sunday closing, when presented apart from any compromising license for other days, because it is *one-fourth Prohibition*. In Scotland it cut down the consumption of liquor one-fourth, and so proved itself a quarter loaf of unpoisoned bread, the best sort of an appetizer for the whole loaf in communities where they have never tasted it. It is not enough to tell the people of other States that Maine and Iowa and Kansas have tried prohibition and like it. Some deny this, and the short cut out of the debate is to put a sample of the prohibition loaf into every city for one day in

every week. Even such an imperfect sample as Sunday closing must be, with every one at liberty to fill his sideboard, or himself, on Saturday night, will be a logical premise for the conclusion, that if such imperfect closing one day in the week so reduces crime, complete National prohibition would certainly almost banish it. Where a non-partisan charge on the fortifications of the liquor traffic, in a constitutional amendment campaign, has failed of victory, the moral is not to desert non-partisan allies or to give up the fight altogether, but, while mining and sapping for another attack on the citadel in the future, to join the same allies in capturing the outer breastworks and key of the position, the Sabbath.

Sunday closing is not required by Statute law in California, Nevada, Montana and Texas, nor in the Territories of Idaho and Arizona, nor in the District of Columbia. In California, Texas and the District of Columbia, it can be forbidden by city ordinance, and is so forbidden in some instances. Where these city ordinances exist, and in all the other States and Territories by statute laws, Sunday liquor selling, except on a physician's written prescription, is a crime. This suggests our "seventhly and lastly,"—a strange statement—namely, that the public officers who have sworn to enforce the laws, should aid in the enforcement of Sunday closing. How quaintly ancient sounded that saying of President Harrison in his inaugural: "As a citizen may not elect what laws he will obey, neither may the Executive elect which he will enforce!"

At noon to-day I saw a man boldly walk along your streets with a burglar's jimmy in his hand, and feloniously enter a shop, unmolested by a policeman who stood by. The jimmy was a mug. Let every law-abiding man help to make it felt that the man who enters a saloon at a time when he cannot legally enter, is a burglar. He has illegally obtained possession of property. His accomplice inside is a receiver of stolen goods. He is receiving money which he cannot then and there legally receive. The saloon keeper who opens his place either pub-

"The special purpose and object of this league is to prevent, by energetic and organized opposition, any attempt of the SUNDAY and PROHIBITION fanatics to accomplish their ends, which consists in the revival of antiquated laws that are in conflict with the fundamental principles of the republic and the spirit of the times."—*Christian Statesman*, June 13, 1889.

licly or secretly on the Sabbath and is not arrested, is an escaped convict, that is, he is a criminal who has escaped punishment. The mayor and police commissioners are perjurers if they do not keep their oaths by stopping this wholesale crime against the law. [Applause].

It is sometimes said that the Sunday closing law is a failure. Nay, it is the officials who surrender their scepters to the saloons who are the failures. Sometimes a mayor will say that he cannot enforce the law. There is one thing such a mayor can do—he can resign.

A certain mayor made himself an undeserved reputation by refusing to put up on the City Hall a foreign flag on a foreign holiday. That same mayor, by confessing that he could not make the foreigners keep our laws, and advising that we should therefore surrender our Sabbath to the saloons, virtually pulled down the American flag.

It is said that a new Western governor, on his first visit, with his suite, to the State Reform School, attempting to draw the boys out by questions, after the method he had often used in Sabbath schools, said, "Boys, why are we here?" The swift answer was, "To be reformed." No class of public men need reforming more than our executive officers, whose first duty is the *enforcement of the laws*. Those four words express the chief political issue of to-day. We need in our governors and mayors, to borrow a phrase of the New Orleans *Picayune*, less jawbone and more backbone. "Government is not mere advice." We need men like Daniel, of whom the Bible says, "As for this Daniel an excellent spirit was in him," which a Sabbath-school boy, speaking better than he knew, read, "As for this Daniel an excellent *spine* was in him." In too many cities, the mayor has moral curvature of the spine. Over and over again same great city has elected a "reform mayor," only to find him in a few months a deformed mayor. For such a work a stronger man is needed than for governor or senator—a man with a "backbone like a circus

pole"—such a man as is described in the Scotch psalm :

"Blest is the man in stable trust,  
Like Zion's mount who stands full just;  
And bendeth no whit, nor yet doth reel,  
But standeth forever as *stiff as steel*."

Such was Mayor Nehemiah of Jerusalem, who, single handed, restored the Rest Day to that city, when even the church people had almost ceased to observe it (Neh. xiii., 15-22).

Several mayors, of late, have attempted to prove that the mayor of a great city has no more responsibility for law enforcement than a private citizen. Such mayors should be turned into private citizens at the next election. Whenever rulers are not a terror to evildoers, well-doers should become a terror to them. (Applause.)

But the citizen should not allow a mayor's unfaithfulness to nullify a good law. In a rural church one Sunday, a deacon said to his associate, "I shall not be able to attend Sunday-school to-day. There is to be a base ball match in our section of the town, and *I'm going*." He went; the base ball match did not come off, and he had the assurance from the parties themselves that they would not attempt it again. Whether there is or is not a Law and Order League in town, every citizen should be a Citizens' Committee of one for the enforcement of law.

Better still that such individuals should unite, as did the twenty-five hundred that formed the victorious Cincinnati Committee, which defeated the mayor and the city majority that elected him to break his oath, because the Committee had something greater even than a city majority behind them, namely, a State majority that had elected a Sabbath law to be enforced.

That Sunday closing laws can be enforced, even in the largest cities, and even when the personal devilry party have elected their own mayor, has been proved in other instances also.

In every one of our cities where there is not already a Law and Order League, or its equivalent, there is need of one, and every such League, I believe, should

fight not one but all four heads of the hydra that is devouring our youth by gambling, lust, intemperance, and Sabbath breaking. All who are against either of these evils are against them all, and in cities should unite in one organization to assail them on the simple platform of saving the young by enforcing existing laws against this complex dragon.

In the words of Father McDevitt, who sits upon this platform and has often spoken from it in this crusade against Sunday saloons, "it is the will of hell that these places shall remain open; it is the will of the people, yea, of the Most High God that they shall be closed." Let not this "will" of the people be the "will" of the dead that takes a year for execution. If your present officers regard the will of the saloonists more than that of the people, let ballots "execute the freeman's will as lightning does the will of God." (Applause.)

Some of you have heard the good story of the great Bishop Peck, whose three hundred pounds were so out of proportion to his name—the story of his return from a brief residence in San Francisco, before he was elected to the bishopric. Folding his hands over his vast stomach he said, with no thought of levity, "The Pacific slopes greet you." I mention this familiar story about him only to

prepare for a less familiar one. One election day this great man stood for hours in line in order to do his duty as a voter. As he at last began to get near the ballot box a drunken foreigner tried to crowd him back and take his place in the line. He remonstrated in vain. "Well, did he get in?" said a friend, to whom he was telling the story. "No, he got out." "What did you do? Did you strike him?" "No, I just *leaned on him*." So let your heavy men lean on the drunken foreigners of the baser sort who interfere with your political right to a quiet and orderly Sabbath, until they "get out" or take their rightful place.

A king who was beautifying his capital, having a fancy for ornate buildings, ordered the tearing down of a plain stone structure connected with the history of the nation from the beginning. As he stood by to see it demolished, when only a stone or two had been removed, this inscription was uncovered: "These gates, with their country, stand or fall." Astonished, he withdrew his hand, and let the ancient structure stand. In our midst stands the citadel of liberty—the American Sabbath. Let us permit no one to tear out of it a single stone, for "THESE GATES, WITH THEIR COUNTRY, STAND OR FALL."

#### JUST AFTER THE SUNDAY CLOSING VICTORY IN CINCINNATI.

*Commercial Gazette*: "Cincinnati could give Puritanical Boston points on a quiet Sunday yesterday. To all intents and purposes the law was observed. As may be imagined, this marked change in the course of saloon keepers had the effect of making the city unusually quiet—quiet and orderly enough to suit a Quaker."

*Associated Press Dispatch*: "The Sunday law is effectively enforced here to-day. There is absolutely not a single place within the city limits where a drop of intoxicating liquors can be had, and as a result the police report the quietest Sabbath day of which there is any record."

*Times-Star*: "There is no less money in Cincinnati on Monday morn-

ing than on Saturday night, whether the saloons are open or shut. It is, however, in different pockets. With the Owen law in force, the money paid as wages on Saturday night finds its way to the grocer, the baker, and the dry goods and clothing merchant. It goes out for fuel, it goes toward paying the rent. The milkman gets some of it, and the police court none of it. There is no loss, positively none, unless Cincinnati is the saloon and the saloon is Cincinnati. . . . Cincinnati's saloons are to be kept closed on Sunday, the good effects of which policy have already begun to appear in the lessened criminal record of Monday morning."

*Herald and Presbyterian*: "If Sunday closing is a spasm, we know of no remedy that will cure such spasms, and prevent frequent repetition, except the removal of the cause."



## OPINION OF JUDGE ALLEN G. THURMAN ON SABBATH LAWS.

“We have no union of Church and State, nor has our Government ever been vested with authority to enforce any religious observance simply because it is religious. Of course it is no objection, but, on the contrary, is a high recommendation, to a legislative enactment, based on justice or public policy, that is found to coincide with the precepts of a pure religion; but the fact is nevertheless true that the power to make the law rests in the legislative control over things temporal, and not over things spiritual. Thus the statute upon which the defendant relies, prohibiting common labor on the Sabbath, could not stand for a moment as a law of this State if its sole foundation was the Christian duty of keeping that day holy and its sole motive to enforce the observance of that duty. For no power over things merely spiritual has ever been delegated to the Government, while any preference of one religion over another, which the statute would give upon the above hypothesis, is directly prohibited by the Constitution. Acts evil in their nature, or dangerous to the public welfare, may be forbidden and punished, though sanctioned by one religion and prohibited by another; but this creates no preference whatever, for they would be equally forbidden and punished if all religions permitted them. Thus, no plea of his religion could shield a murderer, ravisher or bigamist; for the community would be at the mercy of superstition if such crimes as these could be permitted with impunity because sanctioned by some religious delusion. We are, then, to regard the statute under consideration as a mere municipal or police regulation, whose validity is neither strengthened nor weakened by the fact that the day of rest it enjoins is the Sabbath day. Wisdom requires that men should refrain from labor at least one day in seven, and the advantages of having the day of rest fixed, and so fixed as to happen

at regularly recurring intervals, are too obvious to be overlooked. It was within the constitutional competency of the General Assembly to require this cessation of labor and to name the day of rest. It did so by the act referred to, and in accordance with the feeling of a majority of the people, the Christian Sabbath was very properly selected. But regarded merely as an exertion of legislative authority, the act would have had neither more nor less validity had any other day been adopted.” *Bloom v. Richards*. 24 O. S., 391 and 392. The distinguished jurist also quotes with approbation the following from *Specht v. The Commonwealth*, 3 Barr, 312: “All agree that to the well-being of society periods of rest are absolutely necessary. To be productive of the required advantage these periods must recur at stated intervals, so that the mass of which the community is composed may enjoy a respite from labor at the same time. They may be established by common consent, or, as is conceded, the legislative power of the State may, without impropriety, interfere to fix the time of their stated return and enforce obedience to the direction. When this happens some one day must be selected, and it has been said the round of the week presents none which, being preferred, might not be regarded as favoring some one of the numerous religious sects into which mankind are divided. In a Christian community, where a very large majority of the people celebrate the first day of the week as their chosen period of rest from labor, is it not surprising that that day should have received the legislative sanction; and, as it is also devoted to religious observances, we are prepared to estimate the reason why the statute should speak of it as the Lord’s Day, and denominate the infraction of its legalized rest a profanation. Yet this does not change the character of the enactment. It is still, essentially, but a civil regulation.”

**SABBATH LAWS DEFENDED BY REV. JOSIAH STRONG, D. D.,  
AUTHOR OF "OUR COUNTRY."**

Sabbath laws prohibit labor on the first day of the week, except works of necessity and mercy, and forbid certain amusements. These two classes of prohibition rest on two different grounds; first the duty of the State to secure to every man the right to rest on the Sabbath, and second, the duty of the State to guard the leisure of the day from uses subversive of its object as a day of rest and dangerous to public morals.

The right of weekly rest is based on its necessity. It has been shown by scientific inquiry, pursuing different lines of investigation, that the rest of the night does not entirely restore the vigor lost by the toil of the preceding day, and that without a weekly day of rest there is a gradual loss of strength and health. No physiological or hygienic fact is better established. This necessity of rest gives to every man the right to rest, and this right needs the civil law for its protection. Most men are employees engaged in shops and on farms and the like. They are subject to the authority of employers, who can usually discharge them at pleasure. Natural capacity, stimulated by competition, usually leads the employer to get the most possible out of the employee. It has accordingly been found necessary to protect the rights of workmen by legislation which specifies the number of hours that shall constitute a day's work. For the same reason it has been found necessary to protect the laborer's Rest Day by law, otherwise the power to discharge would compel to unwilling work. Instead of robbing men of their liberties, as we sometimes hear, Sabbath laws are designed to secure to every man liberty to rest.

Sabbath laws do not reduce earnings. If men labored every day in the year they would do no more work than they

do now, resting one day in seven. Indeed, they would do even less. But this is not the reason that the law forbids Sabbath work, even when a man prefers to work. Under our civilization the liberty of rest for each is secured only by a law of rest for all.

A man's doing business on the Sabbath does not actually compel his competitors to do likewise, but it does inflict a loss on those who refuse. All together they sell but little more in seven days than they would sell in six, and their profits are less because their expenses are increased. But if some do not sell, those who do draw away a part of their custom and thus inflict loss on them. Of course a man of Christian principle will suffer the loss rather than violate the Sabbath in self defense, but he has a right to call upon the State to protect him from that loss. Hence the principle that was laid down that the rest for each is dependent on a law of rest for all.

Laws prohibiting certain amusements on the Sabbath, rest on a religious basis no more than do those forbidding work on that day. The State has exactly the same right to protect itself from immorality as from ignorance. Indeed, its obligation to foster morals is even greater than its duty to diffuse intelligence, for the former is more essential to its existence. A holiday Sabbath seems to be peculiarly conducive to intemperance. Besides the temptation of opportunity, the lack of rest prevents the restoration of vigor, and the jaded frame, summoned to its accustomed burden, and feeling unequal to the load, learns to lean on some stimulus. Again, a holiday Sabbath is destructive of popular morality because it is hostile to religion, which is the root of morals."

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"Judge Allen, of New York, has decided that as the Sabbath is older than the government, and has been legislated upon by colonial and early State authorities, if there were any doubt about the meaning of the Constitution securing freedom in religion, the continued acts of the Legislature would be very good evidence of the intent of its framers, and of the people who adopted it as their fundamental law. From 1788 downward various statutes have been in force to prevent Sabbath desecration, and prohibiting action that day which would have been lawful on other days. Sunday laws have invariably been sustained wherever a judicial decision has been given. The dispossessors of Sabbath laws sometimes forget that they have undertaken to turn back the stiff current of Anglo-Saxon development. The American Sabbath has a manly grip, a quiet, strong way of holding its own, which sometimes becomes visible, notwithstanding many babblings and surface changes."

## SABBATH LAWS OF ALABAMA AND ARKANSAS.

ALABAMA.—Criminal Code, § 4045.—

Any person, who compels his child, apprentice, or servant to perform any **labor** on Sunday, except the customary domestic duties of daily necessity or comfort, or works of charity, or who engages in shooting, **hunting, gaming**, card playing, or racing on that day; or who, being a merchant or shopkeeper, **druggist** excepted, **keeps open store** on that day, must, on the first offense, be fined not less than \$10, nor more than \$20, and for the second, or any **subsequent offense**, must be fined not less than \$20, nor more than \$100, and may also be **imprisoned** in the county jail or sentenced to hard labor for the county, for not more than three months; but the provisions of this section do **not apply** to the running of **railroads, stages or** steamboats, or **vessels** navigating the waters of this State, or any manufacturing establishment which requires to be kept in constant operation. § 4046. Any person, who opens, or causes to be opened, for the purpose of selling or trading, any public market house or place on Sunday, or opens, or causes to be opened, any stall or shop therein, or connected therewith, or brings anything for sale or barter to such market or place, or offers the same for sale therein on that day, or buys or sells therein on that day (including live stock or cattle), must, on conviction, be punished as prescribed in the preceding section. Any place where people assemble for the purchase and sale of goods, wares and merchandise, provisions, cattle, or other articles, is a market-house or place, within the meaning of this section.

ALASKA.—No Sabbath law.

ARIZONA.—See page 114.

ARKANSAS.—Criminal Code, § 1883.—Every person who shall, on the Sabbath or Sunday, be found laboring, or shall compel his apprentice or servant to

**labor** or to perform other services than customary household duties of daily necessity, comfort or charity, on conviction thereof shall be fined \$1 for each separate offense. § 1884. Every apprentice or servant compelled to labor on Sunday shall be deemed a separate offense of the master. § 1885. The provisions of this act shall **not apply to** steamboats and other **vessels** navigating the waters of the State, nor to such manufacturing establishments as require to be kept in continual operation.

DECISIONS: To prevent an inconvenient delay in traveling does not make the execution of a note a "work of necessity." *Burns v. Moore*, 52 Am. Rep., 332. Money deposited for safe-keeping, action maintainable. *Tamplin v. Still*, 77 Ala., 374. Keeping "open store" not shown by a single sale of liquor because of sickness. *Dixon v. State*, 76 Ala., 89. Note not delivered, not invalid because written and signed Sunday. *Burns v. Moore*, 76 Ala., 339.

§ 1887.—This section amended 1885, Act xxxiii, to read as follows: Every person who shall, on Sunday, **keep open any store** or retail any goods, wares and merchandise, or keep open any **dram shop** or grocery, or who shall keep the doors of the same so as to afford ingress or egress, or retail or sell any spirits or wine, shall, on conviction thereof, be fined in any sum not less than \$25 nor more than \$100. [See Decisions below.]

§ 1883.—Charity or necessity on the part of the customer may be shown in justification of the violation of the last preceding section. § 1889.—Every person who shall, on the Christian Sabbath or Sunday, be engaged in the **running of any single horse** for any bet or wager on the speed of such horse, or for pastime, or for amusement without any bet or wager, or shall be engaged in any **cock fight** on any bet or wager for pastime, without bet or wager, shall,



on conviction thereof, be fined in any sum not exceeding **\$100** nor less than \$20.—Rev. Stat., Chap. 44, Div. 7, Art. 2. § 1890.—Every person who shall on the Christian Sabbath or Sunday, be engaged in any game of brag, bluff, poker, seven-up, three-up, twenty-one, vintgun, thirteen cards, the odd trick, forty-five, whist, or at any other **game at cards** known by any name now known to the laws, or with any other new name, for any bet or wager on such games, or for amusement, without any bet or wager, shall, on conviction thereof, be fined in any sum not less than \$25 nor more than **\$50**.—Act Jan. 12, 1853. § 1891.—If any person shall be found **hunting** with a gun, with intent to kill game or shooting for amusement on the Sabbath day, on conviction thereof, he shall be fined in any sum not less than \$5 nor more than **\$25** for each separate offense.—Act Jan. 19, 1855. § 1892.—If such offense should be committed by a **minor** under the age of twenty-one years, and it shall be made to appear that the offense was committed by or with the consent or approbation of the parent or guardian of said minor, then such parent or guardian as aforesaid shall also be fined according to the provisions of section 1891.—Ib., Sec. 2. § 1893.—If any person shall be engaged in running a **horse race** on the day known as the Christian Sabbath or Sunday, on a bet or wager, or for sport or pastime, with or without such bet or wager, he shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined in any sum not less than \$25 nor more than **\$100**.—Act Nov. 5, 1875, Sec. 4.

Session Laws, 1885. Act xxxix. AN ACT TO PREVENT SABBATH-BREAKING.—Sec. 1. That, hereafter, it shall be unlawful for any club, person or persons to engage in any game or play of **base-ball** in this State on the Christian Sabbath or Sunday. Sec. 2. That all persons violating the preceding section shall be guilty of a misdemeanor and

upon conviction thereof, shall be fined in any sum not less than \$10 nor more than **\$20** in each case.

Session Laws, 1887, Act xi. TO AMEND THE LAW RELATIVE TO SABBATH-BREAKING.—§ 1. That no person who from religious belief **keeps any other day** than the first day of the week as the Sabbath shall be required to observe the first day of the week, usually called the Christian Sabbath, or shall be liable to the penalties enacted against Sabbath-breaking:

**Provided, That no store or saloon shall be kept open** or business carried on therein on the Christian Sabbath; and, provided, further, that no person so observing any other day shall **disturb any religious congregation** by his avocations or employments. § 2. All laws and parts of laws in conflict herewith are hereby repealed and this act shall be in force from and after its passage.

DECISIONS.—Offense of **keeping open** store door may be committed by leaving only partly open, or intentionally **unlocked**, or by opening it to admit one who **knocks**. *Seelig v. State*, 43 Ark., 96. Poverty not the **necessity** that legalizes work on the Sabbath. 20 Ark., 289. Horse hired for pleasure trip, **damages** recoverable, 31 Ark., 518. The Circuit Court of U. S., "isolated private **contracts**, made by parties outside of their ordinary calling, not invalidated," quoting Supreme Court of Tenn. (2 Yerg., 31), 21 Fed. Rep. 299. Contract made for the sale of land will bind if demands purchase money on weekdays. *McKinney v. Demby*, 44 Ark., 74.

CALIFORNIA.—No Sabbath law. Sunday mentioned only as a holiday and classed with Fourth of July. Sabbath law declared unconstitutional in 1858, 9 Cal., 502. (Answered in *Am. Law R.*, Sept.—Oct., 1884, p. 783.) Decision reversed, 1861, 18 Cal., 678. Law repealed, 1882.

## SABBATH LAWS OF COLORADO, CONNECTICUT AND DELAWARE.

COLORADO.—General Statutes, § 2113.

SEC. 18. This chapter shall extend to and include all **theatres**, circuses and **shows**, where an **admission fee** is charged for entrance thereto. No person shall be allowed by virtue of any such license to open any place of public amusement, such as a theatre, circus or show, on the Sabbath or Lord's Day; but any person who shall so offend on such day shall be fined in a sum not less than \$50 nor more than **\$100**, for every such offense. § 1635 (18), p. 585, G. L.—§ 18, p. 426, R. S.

Criminal Code.—§ 876. § 188 (159). Any person who shall hereafter knowingly disturb the peace and good order of society, by **labor or amusement**, on the first day of the week, commonly called Sunday (works of necessity and charity excepted), shall be fined, on conviction thereof, in any sum not exceeding **\$50**. § 155, p. 230, R. S.—§ 159, p. 305, G. L.—Same as § 144, R. S. Ills., 1855, except penalty.

§ 877, § 189 (160). Whoever shall be guilty of any noise, rout or amusement on the first day of the week, called Sunday, whereby the peace of any **private family** may be **disturbed**, or who shall, by disorderly or immoral conduct, interrupt or **disturb** the meeting, processions or ceremonies of any **religious** denomination, on either a **Sunday or week day**, such person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding **\$50**. § 145, R. S. Ills., 1845—§ 118, p. 315, Acts 1861—§ 156, p. 230, R. S., amended by § 1, p. 100, Acts 1874—§ 160, p. 305, G. L.

CONNECTICUT.—General Statutes, SEC. 1570. Every person who shall be **present at any concert** of music, dancing, or other **public diversion** on Sunday, or on the evening thereof, shall be fined **\$1**. § 1572. No person who conscientiously believes that the **seventh day** of the week ought to

be observed as the Sabbath, and actually refrains from secular business and labor on that day, shall be liable to prosecution for performing secular business and labor on the Sabbath, provided he **disturbs no other** person while attending public worship. § 3097. Every person who by himself, his servant, or his agent, between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night next following, shall sell or expose for sale any spirituous or intoxicating **liquors**, or shall **keep open** any place of any kind or description in which spirituous and intoxicating liquors are at any time sold or exposed for sale, or are reputed to be sold or exposed for sale, or in which any **sports or games of chance** are at any time carried on or allowed, or are reputed to be so carried on or allowed, shall be fined not less than \$50 nor more than **\$100**, or be imprisoned not more than six months, or both; but this section shall not apply to sales under a **druggist's** license. § 3523. No **railroad** company shall run any train on any road operated by it within this State, between **sunrise and sunset** on Sunday, except from necessity or mercy; provided, that before **ten o'clock and thirty minutes** in the forenoon and after **three o'clock** in the afternoon it may run trains carrying the United States **mail**, and such other trains or classes of trains as may be authorized by the Railroad Commissioners of this State, on application made to them on the ground that the same are required by the public **necessity**, or for the preservation of freight. § 3524. No **railroad** company shall permit the **handling**, the loading, or the unloading of **freight** on any road operated by it, or at any of its depots or stations within this State, between sunrise and sunset on Sunday, except from necessity or mercy. [Amended 1889, Chap. xxiii, by adding:] Provided, now-ever, that the Railroad Commissioners

Add Colorado, 839. Sec. 151. If any person shall be guilty of open lewdness, or other notorious act of public indecency, tending to debauch the public morals, or shall keep open any tipping or gaming house on the Sabbath day or night, or shall maintain or keep a lewd house or place for the practice of fornication, or shall keep a common, ill-governed and disorderly house, to the encouragement of idleness, gaming, drinking, fornication or other misbehavior, every such person shall, on conviction, be fined not exceeding one hundred dollars, or imprisoned in the county jail not exceeding six months.

of this State may suspend the operation of this section, so as to permit the handling, the loading, or the unloading of freight by transfer of said **freight between steamboats and cars, until eight o'clock** in the forenoon, at any depot or station where, upon application made to them, they shall find that the same is required by the public **necessity** or for the preservation of freight. § 3525. Every railroad company which shall violate any of the provisions of the two preceding sections shall **forfeit** to the State the sum of **\$250** for any such violation. § 3526. No railroad company shall transport **passengers**, on Sunday, upon any train deemed necessary according to the intent of § 3523, for **less than the highest regular fare** collected on week days, and no commutation, special bargain, or season or mileage ticket shall include or provide for any travel on said day, under penalty of a forfeiture to the State of **\$50** for each violation of this provision. § 3527. The provisions of the four preceding sections shall not effect statutes which prohibit secular work or recreation on Sunday, except so far as they may be found in their operation to be **inconsistent** with them.

Session Laws, 1889, Ch. CXXX. No person who receives a valuable consideration for a **contract**, express or implied, made on Sunday, shall defend any action upon such contract on the ground that it was so made, until he restores such consideration.

DELAWARE.—Ch. 131, Sec. 4.—If any person shall perform any wordly employment, **labor, or business**, on the Sabbath day, (works of necessity and charity excepted), he shall be fined **\$1**, and on failure to pay such fine and costs, shall be imprisoned not exceeding twenty-four hours. If any carrier, peddler, wagoner, or driver of any public stage or carriage, or any carter, butcher or drover, with his horse, pack, wagon, stage, carriage, cart or drove, shall **travel or drive** upon the Sabbath day; or if any retailer of goods shall **expose** the same to

**sale** on the Sabbath, he shall be fined **\$8**, and on failure to pay such fine and costs shall be imprisoned not exceeding twenty-four hours. Any justice of the peace may stop any such person so traveling on the Sabbath, and detain him until the next day. If any person shall be guilty of **fishing, fowling, horse-racing, cock-fighting, or hunting** game on the Sabbath day, he shall be fined **\$4**, and on failure to pay such fine and costs shall be imprisoned as aforesaid. If any number of persons shall assemble to **game, play or dance** on the Sabbath day, and shall engage or assist in such game, play or dance, every such person shall be fined **\$4**, and on failure to pay such fine and costs shall be imprisoned as aforesaid. Any justice of the peace of the county shall have jurisdiction and cognizance of the offences mentioned in this section. § 13. If any person shall sell intoxicating **liquors** by any measure whatever on the Lord's Day, commonly called Sunday, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall for such offence be fined **\$20** besides costs. The term "Lord's Day" or "Sunday," as used in this Act, shall be construed to embrace the space of time included between the hour of **twelve o'clock of the night** preceding, and the hour of **twelve o'clock** of the night succeeding the day commonly called Sunday. § 14. It shall be unlawful for any person licensed to sell liquor as herein provided, to sell, give away or dispense of any liquor on the Lord's Day, commonly called Sunday;

\* \* \* \* \*

and whosoever shall do so, shall be guilty of a misdemeanor, and upon conviction thereof, shall **forfeit** and pay a fine of not less than \$50, nor more than **\$100**, and in case of a **second conviction** of such misdemeanor, he shall forfeit his license, and shall not be capable of receiving a license for the space of two years thereafter.



## SABBATH LAWS OF FLORIDA, GEORGIA, ILLINOIS, INDIANA.

DISTRICT OF COLUMBIA.—No Sabbath law. Proposed law, see page 15.

FLORIDA.—Sec. 9.—It shall not be lawful for any person to follow any pursuit, business or trade on the Sabbath, the first day of the week, either by manual **labor**, or with animal or mechanical power, except the same be work of “necessity,” or justified by the accident or circumstances of the occasion. § 10. No merchant or shopkeeper or other person shall **keep open store**, or dispose of any wares, merchandise, goods or chattels on the Sabbath day, or sell or barter the same: Provided, That in cases of **emergency or necessity** they may dispose of the **comforts and necessities** of life to customers without keeping open doors. § 11. Any violation of this law shall be deemed a misdemeanor, and any person convicted thereof shall be subject to a fine of not less than \$20 and not more than \$50. § 12. If any person on the Sabbath day shall employ his apprentice or servant in labor or other business, except it be in the ordinary household business of daily necessity, or other work of necessity or charity, he shall forfeit and pay the sum of \$10 for every such offense. § 13. No merchant or shopkeeper or other person shall keep open store or dispose of any wares, merchandise, goods or chattels on the Sabbath day, or sell or barter the same, upon pain that every person so offending shall forfeit and pay the sum of \$20 for every such offense. § 14. It shall not be lawful for any person or persons within the State of Florida, to use firearms by hunting game or firing at targets upon Sunday; and any violation of this section shall be deemed a misdemeanor, and the person or persons so offending shall, upon conviction thereof before any justice of the peace, be

punished by a fine of not less than \$5 nor more than \$25, or imprisonment not exceeding twenty days.

GEORGIA.—Sec. 3614, (3537), (3554). Sundays and holidays shall in no case be included in the **computation of the time** within which an appeal shall be entered (except that holidays are included in the computation in cases of appeals from Justices' Courts).

[DECISIONS. — When Sunday not counted: 12 Ga., 93. Not so as to Sunday in the thirty days which bills of exceptions to be certified and signed by the Judge: 14 Ga., 122. Sunday not counted in the five days Sheriff allowed for serving writs: 23 Ga., 49. Advertisement of tax-sale in **Sunday paper** illegal, and sale thereunder passes no title, *Sawyer v. Corgile*, 72 Ga., 290. If draft, accepted and delivered on Sunday, but dated day before, comes to hands of one who does not know the fact, he can enforce it. *Harrison v. Powers*, 76 Ga., 218.]

§ 3274, (3207), (3196). **Attachments** may issue and be levied on Sunday when the plaintiff, his agent, or attorney at law shall swear, in addition to the oath prescribed by this Code, that he has reason to apprehend the loss of the debt, unless process of attachment do issue on Sunday, and shall also comply with the other provisions of this Code in relation to issuing attachments. § 4535, (4461), (4420). Any person who shall be guilty of **open lewdness**, or any notorious act of public indecency tending to debauch the morals, or of **keeping open tippling houses** on the Sabbath day or Sabbath night, shall, on conviction, be punished as prescribed in section 4310 of this Code.) [See below.]

[DECISIONS. — Jury are to decide whether place was a tippling house, and kept open on Sunday: 19 Ga., 426. Plea of former conviction in the City Court of Atlanta

against the same charge in the Superior Court: 53 Ga., 448. Where part of a tippling house used as a bedroom, yet the door must be kept closed on Sunday: 65 Ga., 568. House where the "Albany Glee Club" met and drank on Sunday; held a tippling house: 63 Ga., 319. Chief Justice Jackson, in deciding what constituted the opening of a liquor shop on Sunday, said (69 Ga., 54): "The door on the street, through the bar and office room into the restaurant, was kept open to the extent that any visitor had only to push it and go in, and tiddle in the restaurant. The counter where on other days drinking could be done, was covered by canvas from the ceiling to the floor, so as to be invisible itself, and to conceal the bottles on shelves behind, and on it in brazen letters was the announcement 'bar closed,' and all the drinking was carried on in the rear and restaurant room. This fact, that the ostrich thus hid his head in the sand, and thereby imagined that his body was all covered too, is absolutely assigned as the legal reason why he was not visible to the keen eye of the law, which penetrates and despises all subterfuge and deceit! But one witness, though the canvas tried to hide the bird's head, actually did see poked out through a sort of aperture or window, the bill or beak which let out the liquor from the bar to servants in the restaurant. So that the foolish bird did not even keep all his head hid all the time! It makes no difference in law whether the place be called a barroom or a glee club resort, or a parlor, or a restaurant, if it be a place where liquor is retailed and tiddled on the Sabbath day, with a door to get into it, so kept that anybody can push it open, and go in and drink, the proprietor of it is guilty of keeping open a tippling house on Sunday."—*Alb. Law J.*, Oct. 18, 1884.] § 4578, (4492), 4450. If any **freight train** shall be run on any railroad in this State on the Sabbath day (known as Sunday), the superintendent of transportation of such railroad company, or the officer having charge of the business of that department of the railroad, shall be

liable for indictment for a misdemeanor in each county through which such train shall pass, and, on conviction, shall be for each offense (punished as prescribed in section 4310 of this Code.) On such trial it shall not be necessary to allege or prove the names of any of the employees engaged on such train, but the simple fact of the train being run. The defendant may justify himself by proof that such employees acted in direct violation of the orders and rules of the defendant: provided always, that whenever any train on any railroad in this State, having in such train one or more cars loaded with **live stock**, which train shall be **delayed** beyond schedule time, shall not be required to lay over on the line of road or route during Sunday, but may run on to the point where, by due course of shipment or consignment, the next stock-pen on the route may be, where said animals may be fed and watered, according to the facilities usually afforded for such transportation. And it shall be lawful for **all freight trains** on the different railroads in this State, **running** over said roads on **Saturday night**, to run through to destination: provided, the time of arrival, according to the schedule by which the train or trains started on the trip, shall not be later than **eight o'clock on Sunday morning**. § 4579, (4493), (4451). Any tradesman, artificer, workman or laborer, or other person whatever, who shall pursue their **business or work** of their ordinary callings upon the Lord's Day (works of necessity or charity only excepted), shall be guilty of a misdemeanor, and, on conviction, shall be (punished as prescribed in section 4310 of this Code.) § 4580. Any person or persons who shall **hunt** any kind of game with gun or dogs, or both, on the Sabbath day, shall be guilty of a misdemeanor, and, on conviction, shall be (punished as prescribed in section 4310 of this Code.) § 4581, (4494). Any person who shall **bathe** in any stream or pond of water on the Sabbath day, **in view of any road** or passway, **leading to** or from any house of religious **worship** shall be considered guilty

of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding **\$500, or imprisonment** in the common jail of the county, at the discretion of the court, not exceeding six months. § 4582, (4495), 4452. All moneys arising from **fines** imposed for offenses, the gist of which consist in their being committed on the Sabbath day, shall be paid to the Ordinary of the county, to be by him distributed for the purpose of establishing and **promoting Sabbath-schools** in the county.

§ 4310. Accessories after the fact, except where it is otherwise ordered in this Code, shall be punished by a fine not to exceed **\$1,000, imprisonment** not to exceed six months, to work in the chain gang on the public works, \* \* \* not to exceed twelve months, and any one or more of these punishments may be ordered at the discretion of the Judge.

ILLINOIS.—Criminal Code, Ch. 38, § 259. Whoever **keeps open any tippling house**, or place where liquor is sold or given away, upon the first day of the week, commonly called Sunday, shall be fined not exceeding **\$200**. § 260. Sunday shall include the time from **midnight to midnight**. § 261. Whoever **disturbs** the peace and good order of society by **labor** (works of necessity and charity excepted), or by any **amusement** or diversion on Sunday, shall be fined not exceeding **\$25**. This section shall not be construed to prevent **watermen** and **railroad** companies from landing their passengers, or watermen from loading and unloading their cargoes, or **ferrymen** from carrying over the water travelers and persons **moving** their families on the first day of the week nor to prevent the due exercise of the rights of conscience by whomever thinks proper to **keep any other day** as a Sabbath. § 262. Whoever shall be guilty of any **noise**, rout or amusement on the first day of the week, called Sunday, whereby the peace of the private family may be disturbed, shall be fined not exceeding **\$25**. (R. S., 1845, p. 177, 146.) Ch. 108, § 31. Facilities for attending religious services regu-

larly on Sundays shall be afforded each **convict**, so far as the same can be done judiciously, and upon no pretext shall a convict on contract be required to labor on Sunday, nor shall any convict be required to do other than necessary labor for the State on that day. (2d L., 1867, p. 31, 28.)

DECISIONS.—Contracts permitted as "labor" and not "business" is prohibited, 107 Ill., 429. A judicial sentence delivered after midnight of Sat., void, 3 Gilm., 368. Publishing legal notice which stands in place of a service of process, illegal, 40 Ill., 146. (Contra Wis.) Entering into recognizance by which prisoner was released on bail, illegal. Entering into recognizance not such a judicial act as to render its execution void either at common law or under statute. 31 Ill., 469.

IDAHO.—No Sabbath law, Sunday only named as legal holiday.

INDIANA.—§ 2659. No person shall be **arrested** in any place of worship during service or on Sunday, except in cases specified by law, nor on the Fourth of July. § 920. An order of **attachment** may be issued and executed on Sunday, if the plaintiff will show in his affidavit that the defendant is about to abscond on that day, to the injury of the plaintiff. (163.)

CRIMINAL CODE.—§ 2000. Whoever, being **over fourteen years** of age, is found on the first day of the week, commonly called Sunday, **rioting, hunting, fishing, quarreling**, at common **labor**, or engaged in his **usual avocation** (works of charity and necessity only excepted), shall be fined in any sum not more than **\$10** nor less than **\$1**; but nothing herein contained shall be construed to affect such as conscientiously observe the **seventh day** of the week as the Sabbath, **travelers, families removing**, keepers of toll-bridges and **toll-gates**, and **ferrymen**, acting as such. § 1594. Prosecutions for the desecration of the Sabbath day must be commenced within **six months** after the commission of the offense. § 684



An **execution** may be issued and executed on Sunday, whenever an affidavit shall be filed by the plaintiff, or some person in his behalf, stating that he will lose his judgment, as he has reason to fear and believe, unless process issue on that day. (417.) § 788. Every execution shall be returned forthwith, upon being satisfied by the collection of the money; also, upon order of the plaintiff of his agent indorsed thereon. When the return-day of an execution falls on Sunday, it shall be returned on the following Monday. (486.)

[DECISIONS.—That **injury** for which a brakeman sues company employing him was received on Sunday does not preclude recovery although unlawful to labor, Louisville, New Albany, etc., Ry. Co. v. Frawley, 110 Ind., 18. Cutting of wheat “dead ripe,” or marketing “dead ripe” melons, which would have been injured if left till Monday, **necessity**, 67 Ind., 595; 59 Ind., 416. Hauling feed for pigs per., 67 Ind., 588. As law authorizes manufacture of beer, lawful to turn barley on Sunday, as otherwise it would spoil, 33 Ind., 416. Sheriff’s notice of sale in **Sunday paper** not valid notice, 87 Ind., 158. (Cf. Ill. and Wis.) Insurance policy issued and premium **note** taken by agent on Sunday, but both dated ahead, void, 37 Ind., 279. See also Am. Rep. 26:84; 30:197; 35:205. Repairing R. R. switch, **necessity**, 79 Ind., 393.]

§ 1129.—Any writ or **process** authorized by this Article may be issued and served, in cases of emergency, on Sunday. (735.)

(Criminal Code.) § 2098.—Whoever shall sell, barter or give away to be drunk as a beverage, any spirituous, vinous, malt or other intoxicating **liquor** upon Sunday, the fourth day of July, the first day of January, the twenty-fifth day of December (commonly called Christmas day), Thanksgiving day as designated by proclamation of the Governor of this State, or the President of the United States, or any legal holiday, or upon the day of any election in the township, town or city where the same may be holden, or

between the hours of eleven o’clock P. M. and five o’clock A. M., shall be fined in any sum not more than \$50 nor less than \$10, to which may be added **imprisonment** in the county jail not more than sixty days nor less than ten days.

§ 1454.—**Process** may be issued on Sunday, whenever it shall appear by affidavit that the object of such process would probably be defeated by delaying.

§ 1715.—No **recognizance**, undertaking, or bond taken in any criminal proceeding shall be void for want of form or of substance, or for omission of any recital or condition, or because the same was entered into on Sunday; nor shall the principal or surety be discharged, but the principal and surety shall be bound by such recognizance, undertaking, or bond to the full extent contemplated by the law requiring the same, and the sureties to the amount specified in such recognizance, undertaking, or bond. And no action upon such recognizance, undertaking or bond shall be defeated for any want of form or substance, or for the omission of any recital or condition, or because the same was entered into on Sunday, etc.

[DECISION.—A recognizance executed on Sunday, all the prior proceedings having occurred on the same day is good, State v. Douglass, 69 Ind., 544.]

§ 1280.—The **time** within which an act is to be done, as herein provided, shall be **computed** by excluding the first day and including the last. If the last day be Sunday, it shall be excluded. (787.)

Session Laws, 1885, Ch. xxxvi., § 1. It shall be unlawful for any person or persons to engage in playing any game of **baseball** where any fee is charged, or where any reward or prize, or profit, or article of value is depending upon the result of such game on the first day of the week, commonly called Sunday, and every person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding \$25.

INDIAN TERRITORY.—Several of the Indian tribes have good Sabbath laws.

## SABBATH LAWS, IOWA, KANSAS, LOUISIANA, KENTUCKY.

IOWA.—§ 191.—No **court** can be opened, nor any judicial business transacted on Sunday, except: 1. To give instructions to a jury then deliberating on their verdict. 2. To receive a verdict, or discharge a jury. 3. To exercise the powers of a single magistrate in a criminal proceeding. 4. And such other acts as are provided by law.

[DECISION.—In order to avoid a judgment, regular on its face, on the ground that it was rendered after midnight on Saturday, the evidence should establish beyond the doubt naturally arising from the difficulty of determining the precise time of a particular transaction, that it was thus rendered. *Bishop v. Carter, et al.*, Iowa, 165.]

§ 2607.—Notice shall not be served on Sunday, unless the plaintiff, his agent or attorney, make oath there that personal **service** will not be possible unless then made, and notice indorsed with such affidavit shall be served by the sheriff, or may be served by another, as on a secular day. § 2952.—Where the petition states, in addition to the other facts required, that the plaintiff will lose his claim unless the **attachment** issues and is served on Sunday, it may be issued and served on that day. § 3028. An **execution** may be issued and executed on Sunday, whenever an affidavit shall be filed by the plaintiff or some person in his behalf, stating that he believes he will lose his judgment unless process issue on that day. § 3227. If the plaintiff allege in his petition that he will lose his property unless **process** issue on Sunday, the order may be issued and served on that day. § 3424. The **warrant** may be issued on Sunday, if the plaintiff, his agent or attorney, shall state in his petition and swear thereto, that it would be unsafe to delay proceedings till Monday. § 4072. If any person be found on the first day of the week, commonly called Sabbath, engaged in riot, **fighting**, or offering to

fight, or **hunting**, shooting, carrying fire arms, **fishing**, **horse racing**, **dancing**, or in any manner **disturbing** any worshiping assembly or private family; or in **buying or selling** property of any kind, or in any **labor**, the work of necessity and charity only excepted, every person so offending shall, on conviction, be fined in a sum not more than \$5, nor less than \$1, to be recovered before any justice of the peace in the county where such offense is committed, and shall be committed to the jail of said county until said fine, together with the costs of prosecution shall be paid; but nothing herein contained shall be construed to extend to those who conscientiously observe the **seventh day** of the week as the Sabbath, or so prevent persons **traveling**, or families **emigrating** from pursuing their journey, or keepers of toll bridges, **toll gates**, and **ferry-men** from attending the same.

DECISIONS.—The courts of this State will not enforce an express or implied **contract** for the sale of property made on the Sabbath day, where parties thereto do not come within the exceptions expressed in section 4072 of the code. *Pike v. King*, 16 Iowa, 49; *Sayre v. Wheeler*, 32 *Id.*, 559; *Sayre v. Wheeler*, 31 *Id.*, 112; *Clough v. Gogins*, 46 *Id.*, 325. And the same rules applies to a contract made in another State, in the absence of evidence that the contract was valid under the laws of the State where made. *Sayre v. Wheeler*, 31 *Id.*, 559. A contract made in violation of a statute and against the policy of the State, *malum in se* or *malum prohibitum* is invalid, and cannot be enforced by action. *Id.* A contract void because made on Sunday, does not prevent the parties from making a valid contract with reference to the same subject matter on a subsequent week day; nor, it would seem, from otherwise ratifying the original contract. Har-

rierson v. Colton, 32 *Id.*, 16. A note signed on Sunday, but delivered on Monday, may be valid, Bell v. Mahin, 69 Iowa, 408. Where a promissory note is void because executed on Sunday, the payee is precluded from recovering upon the original contract which was the consideration for the note. Sayre v. Wheeler, 31 *Id.*, 112. A written contract for the conveyance of land made on Sunday, but bearing the date of another day of the week, when transferred, will be enforced in the hands of the transferee in good faith and without notice of the infirmity. Jones v. Bailey *et al.*, 45 *Id.*, 241. A contract for an exchange of horses made on Saturday which included the discharge of debt due from one of the parties to the other, but the plaintiff took possession of the horse he traded for on Sunday. *Held*, that there was such a consummation of the contract on Saturday as rendered it valid. Peake v. Conlan, 43 *Id.*, 297. In an action for **damages** for injuries sustained by the plaintiff as the result of the frightening of his horse on the highway by the defendant's dogs, it was held, that the plaintiff's right to recover was not affected by the fact that the accident occurred on Sunday while he was riding on a business errand. Schmidt v. Humphrey, 43 *Id.*, 652. A promissory note actually made on Sunday, but dated on a week day, is valid in the hands of a *bona fide* purchaser for value before maturity. The Clinton National Bank v. Graves *et al.*, 48 *Id.*, 228. An admission that a debt is unpaid, contained in a letter written on Sunday, is sufficient to remove the bar of the statute of limitations, and the letter is admissible as evidence for that purpose. Ayres v. Bane, 39 *Id.*, 518. A railroad company incurs no other liability for running trains on Sunday than the fine provided by this section. The liability for killing stock by a train run on that day is to be determined by the same rules as if done on a secular day. Gingle v. The C. B. & Q. R'y Co., 60 *Id.*, 333.

KANSAS.—§ 722. The **time** within which an act is to be done, shall be

**computed** by excluding the first day and including the last; if the last day be Sunday, it shall be excluded.

Session Laws, 1886. Chap. CII.—§ 1. Every person who shall engage in **hunting** or shooting on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and upon conviction be fined in a sum not less than \$5, nor more than **\$20**.

Ch. 31. (2116) § 255. Every person who shall either **labor** himself, or compel his apprentice, servant or any other person under his charge or control, to labor or perform any work other than the household offices of daily necessity, or other works of necessity or charity, on the first day of the week commonly called Sunday, shall be deemed guilty of a misdemeanor, and fined not exceeding **\$25**. [DECISIONS: Kas. 5, 29.—29 Kas., 663.]—(2117) § 256. The last section shall not extend to any person who is a member of a religious society, by whom **any other than the first day of the week** is observed as a Sabbath, so that he observes such Sabbath, nor to prohibit a **ferryman** from crossing passengers on any day in the week. (2118) § 257. Every person who shall be convicted of **horse racing**, **cock fighting** or playing at cards, or **games** of any kind, on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and fined not exceeding **\$50**. (2119) § 258. Every person who shall **expose to sale** any goods, wares or merchandise, or shall **keep open** any ale or porter house, grocery or **tippling shop**, or shall sell or retail any fermented or distilled liquor, on the first day of the week, commonly called Sunday, shall, on conviction, be adjudged guilty of a misdemeanor, and fined not exceeding **\$50**. (2120) § 259. Exceptions. The last section shall not be construed to prevent the sale of any **drugs** or medicines, **provisions** or **other articles of immediate necessity**.

KENTUCKY.—Ch. 21, § 9. If any proceeding is directed by law to take place, or any act is directed to be done, on a



particular day of a month, if that day happen to be Sunday, the proceeding shall take place, or the act shall be done, on the next day. Ch. 100, § 12. No **process** or notice on which any legal proceedings are to be founded, except as herein provided, shall be executed on Sunday, the execution of either on that day shall be void. But a writ of habeas corpus, or process on a charge of treason, felony, or for a riot or breach of the peace, or upon an escape out of custody, may be executed on Sunday. Ch. 29, § 10. No **work or business** shall be done on the Sabbath day except the ordinary household offices, or other work of necessity or charity. If any person on the Sabbath day shall himself be found at his own or any other trade or calling, or shall employ his apprentices, or other person, in labor or other business, whether the same be for profit or amusement, unless such as is permitted above, he shall be fined not less than \$2 nor more than \$50, for each offense. Every person or apprentice so employed shall be deemed a separate offense. Persons who are members of a religious society, who **observe** as a Sabbath **any other day** in the week than Sunday, shall not be liable to the penalty prescribed in this section, if they observe as a Sabbath one day in each seven, herein provided.

It shall be unlawful for any tavern keeper (whether licensed by the State or by authority of the county court or trustees or other authority of city or town), or for any saloon keeper, or any other dealer in spirituous, vinous or malt **liquors**, to have **open** a bar room or other place for the sale of such liquors, or in any way to sell, give, or otherwise dispose of spirituous, vinous or malt liquors on Sunday. The keeping open of a bar or store, or any other place, for the sale of such liquors, or the selling or otherwise disposing of such liquors on Sunday, shall be deemed a violation of the statute, and shall upon conviction, subject the offender to the pains and penalties prescribed therein, and shall, moreover, for the **third offense, forfeit his license**, whether State, city, county court or town license.

Ch. 29, § 11. If any person shall **hunt** game with a gun or dogs on the Sabbath, he shall be fined not less than \$5, nor more than \$50 for each offense.

Ch. 47, § 21. That no **game** shall be permitted to be played on such [billiard and pool] tables on the Sabbath day, under the penalty of an absolute **forfeiture of the license**.

Ch. 92, § 21. No spirituous liquors shall be kept or sold in any room where a **billiard**, pigeon hole, or pool table is kept, nor shall any game be played on such table on Sunday. Upon conviction for a violation of either of the provisions of this section, the offender shall be fined \$30 for each offense, the license shall be forfeited, and no license shall thereafter be granted to the person or persons so offending.

Ch. 91. Art. II. That the provisions of the General Statutes regarding the observance of Sunday shall **not apply to street railway** companies.

Act of 1880. Prosecutions for profane swearing, cursing or being drunk, or Sabbath breaking, and against surveyors of public roads, shall be commenced within **six months** after the offense is committed, and not after.

DECISIONS.—The running by a **rail-road** company of passengers or freight trains is a work of **necessity**.—Commonwealth v. L. & N. R. R. Company, 80 Ky., 197. **Contracts** made upon Sunday should be held an exception, in some sense, from the general class of contracts which are void for illegality. That they have grown out of a transaction upon Sunday is not sufficient to avoid them: they must be finally closed upon that day, and although then closed, yet, if affirmed upon a subsequent day, they become valid. Campbell v. Young, 9 Bush, 240.

LOUISIANA.—Acts of 1886. No. 18, § 1. That from and after the 31st day of December, A. D. 1886, all stores, shops, saloons, and all places of public business which are or may be licensed under the law of the State of Louisiana, or under any parochial or municipal law or ordi-

nance, and all plantation stores, are hereby required to be **closed at twelve o'clock on Saturday nights**, and to remain closed continuously for twenty-four (24) hours, during which period of time it shall be lawful for the proprietors thereof to give, trade, barter, exchange or sell any of the stock or any article of merchandise kept in any such establishment. § 2. That whosoever shall violate the provisions of this act, for each offense shall be deemed guilty of a misdemeanor, and on trial and conviction, shall pay a fine of not less than \$25, nor more than \$250, or be imprisoned for not less than ten days nor more than thirty days, or both, at the discretion of the court. Provisions of this act shall **not apply to newsdealers, keepers of soda fountains, places of resort for recreation and health, watering places and public parks, nor prevent the sale of ice.** § 3. That the provisions of this act shall not apply to **newspaper offices, printing offices, book stores, drug stores, apothecary shops, undertaker shops, public and private markets, bakeries, dairies, livery stables, railroads whether steam or horse, hotels, boarding houses, steamboats and other vessels, warehouses for receiving and forwarding freights, restaurants, telegraph offices and theatres, or any place of amusement, providing no intoxicating liquors** are sold on the premises; provided, that **stores** may be **opened** for the purpose of selling anything **necessary** in sickness and for burial purposes; provided, that nothing in this act shall be construed so as to allow **hotels** or boarding houses to sell or dispose of alcoholic liquors, except **wine for table use** on Sundays; and provided, further, that no alcoholic, vinous or malt liquors shall be given, traded or bartered or sold or delivered in any public place on said day, except when actually administered or prescribed by a practicing physician in the discharge of his professional duties

in case of sickness; in such case the physicians administering the intoxicating liquors may charge therefor. § 4. That all laws or parts of laws contrary to or inconsistent with the provisions hereof, be and the same are hereby repealed.

DECISIONS.—Shreveport made law to close places of business on Sundays at 9 A. M., except drug stores, hotels, barber shops, restaurants, livery stables, and places of those who keep Saturday. A man fined \$10 under this law appealed to the highest courts, and the following decision was given: "Before the Constitution Jews and Gentiles are equal; by the law they must be treated alike, and the ordinance which gives to one sect a privilege which it denies to another, violates both the Constitution and the law, and is, therefore, both null and void." 26 La. Ann., 671. (Contra, Cal., Iowa, Mass., Mo., N. Y., N. C., Ohio, Penn., S. C.) An ordinance regulating the conduct of citizens on Sunday is only sustainable under the Constitution as a police regulation. (*Minden v. Silverstein*, 36 La. Ann., 912.) La. Acts, 1886, No. 18, known as the Sunday law, and which requires the closing of all places of business, except certain designated classes, from midnight of Saturday to midnight of Sunday, is a valid exercise of the police power, and is not within the inhibition of the fourteenth amendment to the Federal Constitution, nor of the provision of the State Constitution which guarantees the protection of property and of the laws. "The statute is to be judged precisely as if it had selected for the day of rest any day of the week other than Sunday, and its validity is not to be questioned because, in the exercise of a wise discretion, it has chosen that day which the majority of the inhabitants of the State, under the sanction of their religious faith, already observe as a day of rest." (*State v. Orleans Judge*, 39 La. Ann., 132.) The Act aforesaid requires all "stores, shops, groceries, saloons," etc., to be closed, but declares that its provisions shall not apply to "public markets." Held, that a grocery in a public market may not be kept open. [*Fenner J.*, dissenting.] (*State v. Fernandez*, 39 La. Ann., 538.)

## SABBATH LAWS OF MAINE AND MARYLAND.

MAINE.—§ 27. Sunday is a close time, on which it is **not lawful to hunt**, kill or destroy game or birds of any kind, under the penalties imposed therefor during other close times; but the penalties already imposed for violation of the Sunday laws are not repealed or diminished. § 81. No person shall serve or execute any **process** on the Lord's Day; but such service is void, and the person executing it is liable in damages to the party aggrieved, as if he had no process. § 115. No deed, **contract**, receipt or other instrument in writing is void because dated on the Lord's Day, without other proof than the date of its having been made and delivered on that day. § 116. No person who receives a valuable consideration for a **contract**, express or implied, made on the Lord's Day, shall defend any action upon such contract on the ground that it was made until he restores such consideration. § 17. Whoever, on the Lord's Day, or at any other time, behaves rudely or indecently within the walls of any house of public worship, wilfully interrupts or **disturbs** any assembly for religious worship within the place of such assembly or out of it; **sells**, or exposes for sale, within one mile thereof, and during the time of their meeting, intoxicating **liquors**, refreshments or merchandise, except in his usual course and place of business; exhibits any show or play; engages or aids in any horse race, gambling or other **sport**, to the disturbance of such assembly; or, coming within their neighborhood, refuses, on request, either immediately and peaceably to retire beyond their hearing, or to conform to their established regulations, shall be punished by **imprisonment** for not more than thirty days, and by fine not exceeding \$10. § 20. Whoever, on the Lord's Day, keeps **open** his shop, workhouse, warehouse or place of business, **travels**, or does any work, **labor or business** on that day, ex-

cept works of necessity or charity; uses any **sport**, game or recreation; or is present at any dancing, public diversion, show or entertainment, encouraging the same, shall be punished by fine not exceeding ten dollars. § 21. If an **innholder** or victualer, on the Lord's Day, suffer any persons, except travelers, strangers or lodgers, to abide in his house, yard or field, drinking or spending their time idly, at play or doing any secular business, except works of charity or necessity, he shall be punished by fine not exceeding \$4 for each person thus suffered to abide; and if, after conviction, he is **again guilty**, by fine not exceeding \$10 for each offense; and upon a **third conviction**, he shall also be incapable of holding any **license**; and every person so abiding shall be fined not exceeding \$4 for each offense. § 22. The Lord's Day includes the time between **twelve o'clock** on Saturday night and **twelve o'clock** on Sunday night.

DECISION.—Statute which provides that no person shall defend action on contract upon ground that it was made on the Lord's Day, until he restores consideration received for contract, applies to action in which defendant is sued for sum which he promised to pay as difference of value between horses exchanged by parties, defendant not having offered to restore the horse. 79 Me., 156.

MARYLAND.—§ 247. No person whatsoever shall work or do any bodily **labor** on the Lord's Day, commonly called Sunday; and no person having children or servants shall command, or wittingly or willingly suffer any of them to do any manner of work or labor on the Lord's Day (works of necessity and charity always excepted), nor shall suffer or permit any children or servants to profane the Lord's Day by **gaming**, **fishing**, **fowling**, **hunting** or unlawful **pastime** or recreation; and every



person transgressing this section, and being thereof convicted before a justice of the peace, shall forfeit **\$5**, to be applied to the use of the county. § 248. No person in this State shall **sell**, dispose of, barter, or if a dealer in any one or more of the articles of merchandise in this section mentioned, shall give away on the Sabbath day, commonly called Sunday, any tobacco, cigars, candy, soda or mineral waters, spirituous or fermented **liquors**, cordials, lager beer, wine, cider or any other goods, wares or merchandise whatsoever; and any person violating any one of the provisions of this section shall be liable to indictment in any court in this State having criminal jurisdiction, and upon conviction thereof, shall be fined a sum not less than \$20 nor more than **\$50**, in the discretion of the court, for the first offense, and if **convicted a second time** for a violation of this section, the person or persons, so offending shall be fined a sum not less than \$50 nor more than **\$500**, and be imprisoned for not less than ten nor more than thirty days, in the discretion of the court, and his, her or their **license**, if any were issued, shall be declared null and **void** by the judge of said court; and it shall not be lawful for such person or persons to obtain another license for the period of **twelve months** from the time of such conviction, nor shall a license be obtained by any other person or persons to carry on said business on the premises or elsewhere, if the person, so as aforesaid convicted, has any interest whatever therein, or shall derive any profit whatever therefrom; and in case of being **convicted more than twice** for a violation of this section, such person or persons on each occasion shall be **imprisoned** for not less than thirty nor more than sixty days, and **fined** a sum not less than **double** that imposed on such person or persons on the last preceding conviction; and his, her or their license, if any were issued, shall be declared null and void by the court, and **no new license** shall be issued to such person or persons for a

period of **two years** from the time of such conviction, nor to any one else to carry on said business wherein he or she is in anywise interested, as before provided for the second violation of the provisions of this section. One half of all the fines to be imposed under this section shall be paid to the State, and the other **half to the informer**. This section is not to apply to **milk** or **ice dealers** in supplying their customers, or to **apothecaries** when putting up *bona fide* prescriptions. § 249. It shall not be lawful to keep open or use any **dancing saloon, opera house**, ten pin alley, **barber saloon** or ball alley within this State on the Sabbath day, commonly called Sunday; and any person or persons, or **body politic** or corporate, who shall **violate** any provisions of this section, or cause or knowingly permit the same to be violated by a person or persons in his, her or its employ, shall be liable to **indictment** in any court of this State having criminal jurisdiction, and upon conviction thereof, shall be fined a sum not less than \$50 nor more than **\$100**, in the discretion of the court, for the first offense; and if **convicted a second time** for a violation of this section, the person or persons, or body politic or corporate shall be fined a sum not less than \$100 nor more than **\$500**; and if a natural person, shall be **imprisoned** not less than ten nor more than thirty days, in the discretion of the court; and in case of any **conviction subsequent to the second fined, double or imprisoned**, etc. All fines to be imposed under this section shall be paid to the State. § 22. It shall be unlawful for any person to take or catch **oysters** on Sunday or at night; and any person violating this section shall, on conviction thereof, be fined a sum of not less than \$50 dollars nor more than **\$300**, or **sentenced** to the house of correction for a period of not less than one year, or **forfeit the boat**, vessel or canoe used in violation of this section, at the discretion of the judge or justice of the peace trying the case.

## SABBATH LAWS OF MASSACHUSETTS.

MASSACHUSETTS.—Ch. 98, § 1. Whoever is present at a game, **sport**, play or public diversion, **except** a concert of **sacred music**, upon the evening of the Lord's Day, **unless** such game, sport, play or public diversion is **licensed** by the person or board authorized by law to grant licenses in such cases, shall be punished by fine not exceeding **\$5** for each offense. § 2. Whoever on the Lord's Day keeps **open his shop**, warehouse or workhouse, or does any manner of **labor**, business or work, except works of necessity and charity, or takes part in any **sport**, game or play, or, except as allowed or prohibited in the preceding section, is present at any dancing or public diversion, show, game or entertainment shall be punished by fine not exceeding **\$50**, **but nothing** in this section shall be **held to prohibit** the manufacture and distribution of steam, gas or electricity for illuminating purposes, heat or motive power, nor the distribution of water for fire or domestic purposes, nor the use of the **telegraph** or the **telephone**, nor the retail sale of **drugs** and medicines, nor articles ordered by the prescription of a physician, nor mechanical appliances used by physicians or surgeons, nor the **letting of horses** and carriages, nor the letting of **yachts** and boats, nor the running of steam **ferryboats** on established routes, of **street railway** cars, nor the preparation, printing and publishing of **newspapers**, nor the sale and delivery of newspapers, nor the retail sale and delivery of **milk**, nor the transportation of milk, nor the making of **butter** and **cheese**, nor the keeping open of public **bath houses**, nor the making or selling by **bakers** or their employees of bread or other food usually dealt in by them before ten of the clock in the morning and between the hours of four of the clock and half-past six of the clock in the evening. § 4. Whoever, keeping a house, shop, cellar or **place of public entertainment** or

refreshment, entertains therein on the Lord's Day any persons other than travelers, strangers or lodgers, or suffers such persons on said day to abide or remain therein, or in the yards, orchards or fields appertaining to the same, drinking or spending their time idly or at play or in doing any secular business, shall be punished by fine not exceeding **\$50** for each person so entertained or suffered to abide or remain; and upon any **conviction after the first**, by fine not exceeding **\$100**, and if **convicted three times** he shall thereafter be **incapable of holding a license**. § 5. No person licensed to keep a place of public entertainment shall entertain or suffer to remain or be in his house, yard or other places appurtenant, any persons other than travelers, strangers or lodgers in such house, drinking and spending their time there, on the Lord's Day,

and every such innholder or other person so offending shall be punished by fine not exceeding **\$5** for each offense. § 6. No person shall serve or execute any civil **process** on the Lord's Day; but such service shall be void and the person serving or executing such process shall be liable in damages to the party aggrieved in like manner as if he had no such process. § 7. Whoever on the Lord's Day **behaves rudely** or indecently within the walls of any house of public worship shall be punished by fine not exceeding **\$10**. § 10. Whoever on the Lord's Day discharges any **fire-arm** for sport or in the pursuit of game shall be punished by fine not exceeding **\$10**. § 11. Whoever attempts to take or catch any **fish** on the Lord's Day, by using any hook, line, net, spear or other implement, shall be punished by fine not exceeding **\$10**. § 12. All prosecutions under the two preceding sections shall be instituted **within thirty days** from the time the offense was committed. § 13. Whoever conscientiously believes that the **seventh day**

Conditions of liquor licenses forbid sales on Lord's day, except by hotels to guests, and also forbid the hiding by screens of the interior of licensed premises.

of the week ought to be observed as the Sabbath, and actually refrains from secular business and labor on that day, shall not be liable to the penalties of this chapter for performing secular business or labor on the Lord's Day, if he **disturbs** no other person. § 14. Any innholder, common victualler, or person keeping or suffering to be kept in any place occupied by him, implements such as are used in **gaming**, in order that the same may for hire, gain or reward be used for purposes of amusement, who on the Lord's Day uses or suffers to be used any implement, of that kind upon any part of his premises, shall for the first offense forfeit a sum not exceeding **\$100** or be **imprisoned** in the house of correction not exceeding three months; and for every **subsequent offense** shall be imprisoned in the house of correction for a term not exceeding **one year**, and in either case shall further recognize, with sufficient sureties, in a reasonable sum for his good behavior, and especially that he will not be guilty of any offense against the provisions of this section for the space of three months then next ensuing.

§ 15. The Board of Railroad Commissioners may **authorize** the running of such steamboat lines and, upon any railroad, of such **trains** on the Lord's Day as, in the opinion of the Board, the public **necessity and convenience** may require, having regard to the due observance of the day. § 16 The Lord's Day shall be deemed to include the time from **midnight to midnight**.

(Constables.) § 120. They shall take due notice of and prosecute all violations of the laws respecting the observance of the Lord's Day. § 97. Whoever wilfully commits a **trespass** by entering upon the orchard, garden, or other improved land of another without permission of the owner \* \* if offense is committed on the Lord's Day, the imprisonment shall not be less than five days nor the fine less than **\$5**. § 99. Whoever between the first day of April and the first day of December wilfully enters on or passes over or remains on any orchard, garden,

\* \* \* after being forbidden by the owner \* \* \* shall be punished by fine not exceeding **\$20**; and such fine shall not be less than \$5 if the offense is committed on the Lord's Day. § 100. A person found in the act of committing the trespass described in the preceding section may be arrested by a sheriff, deputy sheriff, constable, watchman, or police officer, and kept in custody in a convenient place, not more than twenty-four hours, Sunday excepted, until a complaint can be made against him for the offense, and he be taken upon a warrant issued upon such complaint. § 104. Whoever is discovered in the act of wilfully injuring a fruit or forest tree or committing any kind of malicious mischief on the Lord's Day may be **arrested** by a sheriff, deputy sheriff, constable, watchman, police officer, or other person, and lawfully detained by imprisonment in the jail or otherwise until a complaint can be made against him for the offense, and he be taken upon a warrant issued upon such complaint; but such detention without warrant shall not continue more than twenty-four hours.

(Arrest, etc.) § 53. Persons committed to jail on the Lord's Day, or on the evening or afternoon preceding may be admitted to **bail** on that day, when in the opinion of the magistrate an application for that purpose appears to be proper.

(Discharge of **convicts**, etc.) § 24. When the term of imprisonment of a convict in any prison expires on Sunday, the convict shall be discharged on the Saturday next preceding.

DECISION.—Many of the old decisions of Mass. are invalidated by the amendments of 1887, which legalized much that had previously been criminal (see p. 4). The following is the most important of recent decisions: A person who has the charge and control of a shop, and carries on the business thereof, although both the shop and the business are owned by another, may be convicted of keeping open the shop on the Lord's Day, and in the complaint the shop is properly described as his shop; *Commonwealth v. Dale*, 144 Mass., 363.



## SABBATH LAWS OF MICHIGAN.

MICHIGAN.—SEC. 2015. Am. 1877, p. 13, Mar. 2, Aug. 21, Act 19.—No person shall keep **open** his shop, warehouse or workhouse, or shall do any manner of **labor, business**, or work, or be present at any dancing, or at any public **diversion**, show, or entertainment, or take part in any sport, game, or play on the first day of the week. The foregoing provisions shall not apply to works of necessity and charity, nor to the making of mutual promises of **marriage**, nor to the solemnization of marriages. And every person so offending shall be punished by fine not exceeding \$10 for each offense. § 2016. No **tavern keeper**, retailer of spirituous liquors or other person keeping a house of public entertainment, shall entertain any persons, not being travelers, strangers or lodgers in his house, on the said first day of the week, or shall suffer any such person on said day to abide or remain in his house, or in the buildings, yards, or orchards or fields appertaining to the same, drinking, or spending their time idly, or at play, or in doing any secular business. § 2017. Every person offending against any of the provisions of the last preceding section, shall be punished by a fine not exceeding \$5 for each person so entertained, or suffered so to abide or remain, and upon any **conviction after the first**, such offender shall be punished by a fine not exceeding \$10, and if **convicted three times**, he shall be afterwards **incapable of holding a license**, and every person so abiding or drinking shall be punished by a fine not exceeding \$5. § 2018. No person shall be present at any game, sport, play, or public diversion, or resort to any public assembly, **excepting** meetings for religious worship or moral instruction, or **concerts of sacred music**, upon the evening of the said first day of the week, and every person so offending shall be punished by a fine not exceeding \$5 for each offense. § 2019. No person shall serve or execute any civil

**process** from midnight preceding, to midnight following the said first day of the week, but such service shall be void, and the person serving or executing such process, shall be liable in damages to the party aggrieved, in like manner as if he had not had any such process. § 2020. If any person shall, on the said first day of the week, by rude and indecent behavior, or in any other way, intentionally interrupt or **disturb any assembly** of people met for the purpose of worshipping God, he shall be punished by a fine not less than \$2, nor more than \$50, or by **imprisonment** in the county jail not exceeding thirty days. § 2021. No person who conscientiously believes that the **seventh day** of the week ought to be observed as the Sabbath, and actually refrains from secular business and labor on that day, shall be liable to the penalties provided in this chapter, for performing secular business or labor on the first day of the week, provided he **disturb** no other person. § 2022. For the purposes of the provisions of this chapter, the said first day of the week shall be understood to include all the time between the **midnight** preceding the **midnight** following the said day, and no prosecution for any fine or penalty incurred under any of the preceding provisions of this chapter, shall be commenced after the expiration of **three months** from the time when the offense shall have been committed. § 2274. All saloons, restaurants, bars, in taverns or elsewhere, and all other places where any of the **liquors** mentioned in § 1 and § 2 of this act are or may be sold, or kept for sale, either at wholesale or retail, shall be closed on the first day of the week, commonly called Sunday, on all election days, on all legal holidays, and until seven o'clock of the following morning, and on each week day night from and after the hour of nine o'clock until seven o'clock of the morning of the succeeding day. The word "closed," in this section

shall be construed to apply to the **back door** as well as to the front door. And in prosecutions under this section it shall **not be necessary to prove that any liquor was sold**: Provided, that in all cities and incorporated villages the common council may, by ordinance, allow the saloons and other places where said liquors shall be sold to remain open not later than ten o'clock on any such week day night. § 7250. No **court** shall be opened, or transact any business on the first day of the week, unless it be for the purpose of instructing or discharging a jury, or of receiving a verdict; but this section shall not prevent the exercise of the jurisdiction of any single magistrate, when it shall be necessary, in criminal cases, to preserve the peace, or to arrest offenders. § 9174. Every person who shall wilfully commit any **trespass**, \* \* \* shall be punished by **imprisonment** in the county jail not more than sixty days, or by fine not exceeding **\$100**. § 9175. \* \* \* and if any of the offenses mentioned in this, or in the preceding section, shall be committed on the first day of the week or in disguise, or secretly in the night time, between sun setting and sun rising, the imprisonment shall not be less than five days, nor the fine less than \$5.

Session Laws, 1887, No. 28. (**Arrests by Game and Fish Warden**.) § 4. Such arrests may be made on Sunday, in which case the person arrested shall be taken before a justice of the peace, or other magistrate having jurisdiction, and proceeded against as soon as may be, on a week day following the arrest.

DECISIONS.—A person laboring for another on Sunday, in a work not of necessity, cannot recover for **injuries** received from the carelessness and negligence of his employer; McGrath v. Merwin, 112 Mass., 467. Where a duty is imposed by law, as in case of a common carrier, to carry safely, he is liable for **damages** resulting from the neglect of that duty, to one transporting property by his conveyance on Sunday contrary to law; Merritt v. Earle, 29 N. Y., 115; Carroll v. Staten Island R. R. Co., 58 N. Y., 126. So, in Wisconsin, a township was held liable for injuries result-

ing from defects in a highway to a person driving his cattle to market on Sunday; Sutton v. Wanwatosa, 29 Wis., 21; 9 Am. Rept., 534. And see a similar principle in: Norris v. Litchfield, 35 N. H., 271; Contra, see, Bosworth v. Swansey, 10 Metc., 363; Jones v. Andover, 10 Allen, 18; Hinckley v. Penobscot, 42 Me., 89; Cratty v. Bangor, 57 Me., 423. A party letting a **horse** for hire on Sunday, to be used **for pleasure**, or in a work not of necessity or charity, can recover neither for the use of the horse, nor for injuries sustained by negligence or over driving; Parker v. Latner, 60 Me., 528; Way v. Foster, 1 Allen, 409. No action lies for deception in a transaction entered into on Sunday; Lyon v. Strong, 6 Vt., 219; Northrup v. Foot, 14 Wend., 248; Robeson v. French, 12 Metc., 24. To **"keep open"** implies a readiness to carry on the usual business therein, etc. A city ordinance may permit the **keeping open of a saloon** on Sunday for the purpose of furnishing **meals** to regular boarders, and prohibit its being kept open for the sale of liquors, etc., and punish for infractions of the latter prohibition; Lynch v. People, 16 Mich., 472. A statute requiring **saloons to be "closed"** on Sunday, **means** that sales and traffic therein shall be entirely shut off; Kurtz v. People, 33 Mich., 279. A **judgment** rendered on Sunday would be void; Hemmens v. Bentley, 32 Mich., 89. Service of a **writ of certiorari** on Sunday is void; Anderson v. Birce, 3 Mich., 280. And so is the return of an **execution**; Peck v. Cavell, 16 Mich., 9. It is the service of **civil process only** that is prohibited on Sunday; arrests in criminal cases may be made on that day; Pearce v. Atwood, 13 Mass., 324, 346. One who, on a week day, lends money on **note** which he does not know was made on Sunday, may recover, Beman v. Wessels, 53 Mich., 549. A railroad aid subscription signed on Sunday is *prima facie* void, and if the railroad company has not acted on it in good faith and without knowledge of the defect, must be ratified by delivery on a week day, Saginaw, Tuscola, etc., R. R. Co. v. Chappell, 56 Mich., 190.

## SABBATH LAWS OF MINNESOTA, MISSISSIPPI, MISSOURI, MONTANA.

MINNESOTA.—Ch. 100, § 19. No person shall keep open his shop, warehouse or workhouse, or shall do any manner of **labor, business** or work, except only works of necessity and charity, or be present at any dancing, or any public **diversion**, show or entertainment, or take part in any sport, game or play, on the Lord's Day, commonly called Sunday; and every person so offending shall be punished by a fine not exceeding **\$2** for each offense; provided, this section shall not apply to any person who religiously observes the **seventh day** of the week, commonly called Saturday, as the Sabbath, so far as relates to his work or business avocations. (As amended 1874, c. 47, § 1.) [Decisions: 8 M. 1 (13), 9 M. 179 (194), 14 M. 174, 20 M. 419, 23 M. 551.] § 20. For the purposes of the provisions of the nineteenth section, the Lord's Day shall include the **time** between the **midnight** preceding and the **midnight** following the said day. § 21. No person shall serve or execute any **civil process** from midnight preceding to midnight following the Lord's Day, but such service shall be void, and the person serving or executing such process shall be liable in damages to the party aggrieved, in like manner as if he had not had any such process.

Ch. 16, § 2. Any person applying for license to sell intoxicating **liquors** \* \* \* shall file \* \* \* a **bond** \* \* \* in the penal sum of \$500, conditioned that the said person so licensed will not sell or otherwise dispose of spirituous, intoxicating or malt liquors (as the case may be), \* \* \* on the Sabbath \* \* \*

(Crimes.) § 222. The first day of the week being by general consent set apart for rest and religious uses, the law prohibits the doing on that day of certain acts hereinafter specified, which are serious interruptions of the repose and religious liberty of the community.

§ 223. A violation of the foregoing prohibition is Sabbath breaking.

[DECISIONS: **Indictment** dated on Sunday not void. *State v. Nortan* (Or.), 17 Pac. Rep., 744. A **note** executed on Sunday is void. *Brimhall v. Van Campea*, 8 Minn., 13 (Gil. 1). A **bond** is not "executed" until delivery; therefore, although signed and sealed on Sunday, yet, if not delivered until a succeeding secular day, it is valid. *State v. Young*, 23 Minn., 551. Recovery from a carrier for personal **injuries** received while traveling on Sunday. *Bucher v. Cheshire R. Co.*, 8 Sup. Ct. Rep., 974.]

§ 224. Under the term "day," as employed in the phrase "first day of the week," when used in this chapter, is included all the time from **midnight to midnight**. § 225. All **labor** on Sunday is prohibited, excepting the works of necessity or charity. In works of **necessity** or charity is included whatever is needful during the day for **good order, health, or comfort** of the community. Provided, however, that keeping open a **barber shop** on Sunday for the purpose of cutting hair and shaving beards shall not be deemed a work of necessity or charity. (As amended 1887, c. 54.)

[DECISIONS: Operating an **ice** factory held a work of **necessity**. *Hennersdorf v. State* (Tex.), 8 S. W. Rep., 926. So, also, **shoeing horses** used by a stage company engaged in transporting United States **mail**. *Nelson v. State* (Tex.), Id., 927. See *Friedeborn v. Com.* (Pa.), 6 Atl. Rep., 160.]

§ 226. It is a sufficient defense to a prosecution for servile labor on the first day of the week that the defendant uniformly **keeps another day** of the week as holy time, and does not labor upon that day, and that the labor complained of was done in such manner as not to interrupt or **disturb** other persons in observing the first day of the week as holy time.



§ 227. All shooting, **hunting, fishing**, playing, **horse-racing, gaming**, or other **public sports**, exercises or shows, upon the first day of the week, and all **noise** disturbing the peace of the day, are prohibited. § 228. All trades, manufactures, and **mechanical employments** upon the first day of the week are **prohibited, except** that when the same are works of **necessity** they may be performed on that day in their usual and orderly manner, so as not to interfere with the repose and religious liberty of the community. § 229. All manner of **public selling, or offering for sale**, of any property upon Sunday is prohibited, **except** that articles of **food** may be sold and supplied at any time before ten o'clock in the morning, and except also that meals may be sold to be eaten on the premises where sold or served elsewhere by caterers; and prepared **tobacco** in places other than where spirituous or malt liquors or wines are kept or offered for sale, and **fruit, confectionery, newspapers, drugs, medicines**, and surgical appliances may be sold in a quiet and orderly manner at any time of the day.

[DECISIONS: Selling **soda water** on Sunday illegal. *Splane v. Com.*, (Pa.), 12 Atl. Rep., 431.

**Beer** may not be publicly sold on Sunday. *State v. Baden* (Minn.), 34 N. W. Rep., 24. **Purchaser** not *particeps criminis*, and not an accomplice, though in pursuit of evidence against persons selling unlawfully. *Id.*

The sale of a **horse** consummated on Sunday is void, and an action on the warranty in such sale will not lie. *Finley v. Quirk*, 9 Minn., 194 (Gil. 180). See *Friedeborn v. Com.* (Pa.), 6 Atl. Rep. 160.]

§ 230. All service of legal **process** of any kind whatever, upon the first day of the week, is prohibited, except in cases of breach of the peace, or apprehended breach of the peace, or when sued out for the apprehension of a person charged with crime, or except where such service is specially authorized by statute. § 231. **Sabbath breaking** is a misdemeanor, punishable by a fine

not less than \$1 and not more than **\$10, or by imprisonment** in a county jail not exceeding five days, or by both. § 232. **Preventing performance of religious act.**

A person who wilfully prevents, by threats or violence, another person from performing any lawful act enjoined upon or recommended to such person by the religion which he professes, is guilty of a misdemeanor.

§ 233. **Disturbing religious meetings.**

A person who wilfully disturbs, interrupts, or disquiets any assemblage of people, met for religious worship, by any acts enumerated in the next section, is guilty of a misdemeanor [see 350, 489, Post]. § 234. The following acts, or any of them, constitute disturbance of a religious meeting: 1. Uttering any profane discourse, committing any rude or indecent act, or making any unnecessary noise, either within the place where such meeting is held, or so near it as to disturb the order and solemnity of the meeting. 2. Engaging in, or promoting within one mile of the place where a religious meeting is held, any racing of animals or gaming of any description. 3. Obstructing in any manner, without authority of law, within the like distance, free passage along a highway to the place of such meeting.

(Intoxicating **liquors**). Chap. 16, § 10. It shall be unlawful for any person in any city, village, town or borough in this State to sell, barter, furnish, or dispose of in any manner, either directly or indirectly, or by agent, employee, or otherwise, any intoxicating liquor in any quantity or for any purpose whatever on the Sabbath day, or on any general or special election day, and all places where the sale of intoxicating liquors shall be licensed, under the provisions of any law or ordinance, shall be closed during all hours of every Sabbath day, and of any general or special election day; and any person violating any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof by any court having jurisdiction shall be punished by a fine of not less than \$30, nor more than **\$100**, and

costs of prosecution, and by **imprisonment** in the county jail not less than ten days, nor more than thirty days. (As amended 1877, c. 44, Sec. 1; 1887, c. 81, Sec. 1.)

MISSISSIPPI.—1880. § 2949. If any person, on the Sabbath day, commonly called Sunday, shall himself be found laboring at his own, or any other trade, calling or business, or shall employ his apprentice, or servant, in **labor or other business**, except it be in the ordinary household offices of daily necessity, or other work of necessity or charity, he shall, on conviction, be fined, not more than **\$20**, for every offense, deeming every apprentice or servant, so employed, as constituting a distinct offense, provided, that nothing in this section shall apply to **railroads**, or steamboat navigation in this State. § 2950. No merchant, shopkeeper, or other person, except apothecaries and **druggists**, shall keep **open store**, or dispose of any wares or merchandise, goods or chattels, on Sunday, or sell or barter the same, and every person, so offending, shall, on conviction, be fined not more than twenty dollars, for every such offense. § 2951. If any person shall show forth, exhibit, represent or perform, or cause to be shown forth, acted, represented or performed any interludes, farces, or **plays of any kind**, or any games, tricks, juggling, sleight of hand, or feats of dexterity, agility of body, or any bear baiting, or any bull baiting, **horse racing** or cock fighting, or any such like show or exhibition whatsoever, on Sunday, every person so offending, shall be fined not more than **\$50**. § 2952. If any person shall be found **hunting** with a gun, or with dogs, on the Sabbath, or **fishing** in any way, he shall, on conviction thereof, be fined not less than \$5, nor more than **\$20**. § 2953. It shall not be lawful for any person, having license to sell vinous or spirituous **liquors**, to keep **open** the bar, or place where such liquors are sold, or to sell any such liquors, on the first day of the week, commonly called

Sunday, and any person so offending, shall be liable to a fine of not less than \$50, nor more than **\$100**, for each offense. § 1904. **Injunctions** may in all cases, be granted, issued and executed on Sunday, if the judge or chancellor considers it proper, and this provision shall apply to all other remedial process. § 2471. Attachments may, in all cases, be issued and executed on Sunday, and may be executed in any part of the county, by any constable of the county, or by the constable or police officer of any incorporated city or town, in the same manner as by the sheriff of the county; and in cases of emergency, and when a sheriff, or his deputy, or a constable, or police officer cannot be had in time, the officer issuing an attachment may appoint some reputable person to execute such attachment, and such officer shall be liable on his bond and individually, for the consequence of appointing an insolvent or incompetent person for such service.

MISSOURI.—Sec. 1054. No **court** shall be open or transact business on Sunday, unless it be for the purpose of receiving a verdict or discharging a jury, and every adjournment of a court on Saturday shall always be to some other day than Sunday, except such adjournment as may be made after a cause has been committed to a jury; but this section shall not prevent the exercise of the jurisdiction of any magistrate, when it shall be necessary, in criminal cases, to preserve the peace or arrest the offender, nor shall it prevent the issuing and service of any attachment in a case where a debtor is about fraudulently to secrete or remove his effects. (G. S. 540, Sec. 34.)

[DECISIONS.—From 12 o'clock Saturday night until 12 o'clock Sunday night, courts cannot sit to transact business. 37 Mo., 466.]

§ 1578. Every person who shall either **labor** himself, or compel or permit his apprentice, or servant, or any other person under his charge or control, to labor or perform any work other than the household offices of daily necessity, or other works of necessity or charity,

or who shall be guilty of **hunting** game or shooting on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and fined not exceeding **\$50**.—(Laws 1877, p. 241, Sec. 1, amended.) § 1579. The last section shall not extend to any person who is a member of a religious society, **by whom any other than the first day of the week is observed** as a Sabbath, so that he observes such Sabbath, nor to prohibit any **ferryman** from crossing passengers on any day of the week.—(G. S. 819, Sec. 33.) § 1580. Every person who shall be convicted of **horse racing**, cock fighting, or playing at cards or **games of any kind** on the first day of the week, commonly called Sunday, shall be deemed guilty of a **misdemeanor** and fined not exceeding **\$50**.—(G. S. 819, Sec. 34.) § 1581. Every person who shall **expose to sale any goods**, wares or merchandise, or shall keep open any ale or porter house, grocery or tippling shop, or shall sell or retail any fermented or distilled **liquor** on the first day of the week, commonly called Sunday, shall, on conviction, be adjudged guilty of a **misdemeanor** and fined not exceeding **\$50**.—(G. S. 819, Sec. 35.) § 1582. The last section shall not be construed to prevent the sale of any **drugs** or medicines, **provisions** or **other articles of immediate necessity**.—(G. S. 819, Sec. 36.) § 5456. Any person having a license as a dramshop keeper, who shall **keep open such dramshop**, or shall sell, give away or otherwise dispose of, or suffer the same to be done upon or about his premises, any intoxicating liquors in any quantity, on the first day of the week, commonly called Sunday, shall, upon conviction thereof, in addition to the penalty now provided by law, **forfeit such license**, and shall not again be allowed to obtain a license to keep a dramshop **for the term of two years** next thereafter.

MONTANA.—§ 1406. Hereafter it shall be unlawful for any person or persons to keep open any play house, **theatre, dance house**, hurdy gurdy house, **prize ring** or **race grounds** on the first day of the week, commonly called the Lord's Day. § 1407. Hereafter it shall be unlawful for any person or persons to keep open any house or other habitation wherein any **game of chance** is played, or open any banking game at cards on the first day of the week, commonly called the Lord's Day. § 1408. If any person or persons shall violate the provisions of this chapter they shall be deemed guilty of a **misdemeanor**, and upon conviction thereof before any court having competent jurisdiction, shall be **fined** in any sum not less than \$10, nor more than **\$100**, **or be imprisoned** in the county jail not less than one nor more than thirty days for such offense, or by both such fine and imprisonment, and shall be adjudged to pay all costs of such prosecution. § 1409. Justices of the peace shall have **jurisdiction** in all cases arising under the provisions of this chapter. § 1410. All **finer** collected under this chapter shall be paid into the county treasury of the county where such conviction was had, and shall be **for the benefit of the common schools** of the said county.

[EDITOR'S NOTE.—This law is not enforced partly because it is not believed to be constitutional, as it surely is not equitable, to forbid actors and pugilists and licensed gamblers to carry on their business on the Sabbath while allowing liquor dealers and merchants and common laborers to work or be worked as usual on that day. Now that Montana has put on Statehood it will be expected to put off this monstrosity of frontier legislation, the worst off all the Sabbath laws of our States and Territories, bordering on California's no-law.]



## SABBATH LAWS OF NEBRASKA, NEVADA, NEW HAMPSHIRE.

NEBRASKA.—Code of Civil Procedure, § 395. The **time** within which an act is to be done as herein provided, shall be **computed** by excluding the first day and including the last; if the last day be Sunday, it shall be excluded.

Statutes, Ch. 19, § 38. No **court** can be opened, nor can any judicial business be transacted on Sunday, or on any legal holiday except: I. To give instructions to a jury then deliberating on their verdict. II. To receive a verdict, or discharge a jury. III. To exercise the powers of a single magistrate in a criminal proceeding. Ch. 50, § 14. Every person who shall sell or give away any malt, spirituous and vinous **liquors** on the day of any general or special election, or at any time during the first day of the week, commonly called Sunday, shall **forfeit** and pay for every such offense, the sum of **\$100**.

Criminal Code, Ch. 23, § 241. If any person of the age of **fourteen years or upward**, shall be found on the first day of the week, commonly called Sunday, **sporting**, rioting, quarrelling, **hunting**, **fishing** or shooting, he or she shall be fined in a sum not exceeding **\$20**, or or be confined in the county **jail** for a term not exceeding twenty days, or both, at the discretion of the court. And if any person of the age of fourteen years or upward, shall be found on the first day of the week, commonly called Sunday, at common **labor** (work of necessity and charity only excepted) he or she shall be fined in any sum not exceeding **\$5** nor less than **\$1**, provided, nothing herein contained in relation to common labor on said first day of the week, commonly called Sunday, shall be construed to extend to those who conscientiously do observe the **seventh day** of the week as the Sabbath, nor to prevent **families emigrating** from traveling, **watermen** from landing their passengers,

superintendents or keepers of toll bridges or **toll gates** from attending and superintending the same, or **ferry-men** from conveying travelers over the water, or persons moving their families on such days, or to prevent **railway** companies from running **necessary trains**.

DECISION.—A laborer on a railroad, required to work on Sunday, may maintain an action for **damages** sustained on that day by the negligence of the company. *Johnson v. Missouri Pacific Ry. Co.*, 18 Neb., 690.

NEVADA.—SEC. 3528. The **time** within which an act is to be done, as provided in this act, shall be **computed** by excluding the first day and including the last. If the last day be Sunday it shall be excluded. § 3705. Any writ or **process** authorized by this act may be issued and served on the first day of the week, commonly called Sunday or any other non-judicial day. [DECISION: *Greeley v. Holland*, 14 Nev., 320.]

§ 4847. No person shall **open** any playhouse or **theatre**, **race ground**, cock pit, or play at any **game of chance** for gain, or engage in any **noisy amusement**, on the first day of the week, commonly called the Lord's Day. § 4848. No judicial business shall be transacted by any **court** except deliberations of a jury who have received a case on a week day, so called, and who may receive further instructions from the court at their request, or deliver their verdict; nor any **civil process** be served by any certifying or attesting officer, nor any record made by any legally appointed or elected officer, upon the first day of the week, commonly called the Lord's Day; provided, that criminal process may issue for the apprehension of any person charged with crime, and criminal examination be proceeded with. § 4849. Any person or persons violating the provisions of the two

preceding sections of this act shall be punished, on conviction thereof, by a fine of not less than thirty dollars, nor more than **\$250**, for each offense.

§ 4850. Justices of the peace may have **jurisdiction** of all complaints arising under the aforesaid act. § 4851. On complaint of any person, before a justice of the peace, the person or persons found guilty of any offenses specified in this act shall be fined as aforesaid, to be paid to the treasurer of the territory, **for the benefit of common schools**; and the offender shall, in addition to the said fine and the costs of prosecution, give **bonds**, with two good and sufficient sureties, in the sum of not less than \$200, nor more than \$500, for good behavior during any time within the discretion of the court, and stand committed till the whole order is complied with and the fine be paid. [Ex parte Winston, 9 Nev., 71; State v. California Mining Co., 13 Nev., 203.]

[EDITOR'S NOTE.—Nevada is often spoken of as having "no Sunday law." It is a very slight mistake, for it has next to none. Servile labor and business and liquor selling are all unrestrained, as in Montana. All other States that have any Sabbath law at all forbid "labor," and all, except Texas, "liquor." At the foot of the list of States and Territories stand Alaska, Arizona, California, the District of Columbia and Idaho, with no Sabbath laws at all. Then comes Montana and Nevada, with next to none. After these those which give least protection against Sunday work to their people are Louisiana, Massachusetts

day of the week, commonly called the Lord's Day; nor shall any person use any play, game or **recreation** on that day or any part thereof. This section shall not be construed to prevent **necessary repairs in mills** and factories which could not be made on a week day without throwing many operatives out of employment. § 4. No person shall, on the Lord's Day, within the walls of any house of public worship or near the same, **behave rudely** or indecently, either in the time of public service or between the forenoon and afternoon services. § 5. Any person offending against any provision of the last two preceding sections of this chapter, shall forfeit a sum not exceeding **\$6**, which shall be recovered by any selectman or police officer, for the use of the town.

§ 10. No person shall **keep open his shop**, warehouse, cellar, restaurant or workshop, for the reception of company, or shall sell or expose for sale any merchandise whatsoever on the first day of the week, commonly called the Lord's Day; but this section shall not be construed to prevent the entertainment of boarders, or the sale of **milk, bread, and other necessities of life, or drugs, and medicines**. § 11. If any person shall be guilty of a breach of either of the two preceding sections, he shall be fined not exceeding **\$10, or imprisoned** not exceeding thirty days, or both. § 13. **Any person**, upon view of any offense described in this chapter, **may apprehend the offender**, and bring him before a justice for trial. § 15. No **prosecution** for the violation of any provision of this chapter, shall be sustained unless commenced **within thirty days** after the commission of such offense.

NEW HAMPSHIRE.—(Offenses against Morality and Religion.) Chap. 273. § 3. No person shall do any **work, business**, or labor of his secular calling, to the disturbance of others, works of necessity and mercy excepted, on the first

DECISION.—A bailee's breach of his Sunday contract for the exercise of care in the Sunday use of the thing bailed is not actionable. *Chenette v. Teehan*, 63 N. H., 149.

## SABBATH LAWS OF NEW JERSEY.

NEW JERSEY.—Revised Statutes, page, 1227. § 1. That no traveling, worldly employment or **business**, ordinary or servile **labor** or work, either upon land or water, (works of necessity and charity excepted) nor shooting, **fishing**, (not including fishing with a seine or net, which is hereafter provided for), sporting, **hunting**, gunning, **racing** or **frequenting of tippling houses**, or any interludes or **plays**, **dancing**, singing, fiddling or other music for the sake of merriment, nor any playing at football, fives, nine-pins, bowls, long bullets or quoits, nor any other kind of playing, **sports**, pastimes, or diversions, shall be done, performed, used or practiced by any person or persons within this State on the Christian Sabbath, or first day of the week, commonly called Sunday. [Reeves v. Butcher, 2 Vr., 224; Ryno v. Darby, 5 C. E. Gr., 231; Crocket v. Vanderveer, Penn., 856; State v. William, 1 Vr., 102; Taylor v. Thomas, 1 Gr. Ch., 106; Scott v. Dow, 2 Gr., 350.] And that every person being of the age of **fourteen years or upwards**, offending in the premises, shall for every such offense, forfeit and pay to the use of the poor of the township in which such offense shall be committed, the sum of **\$1**; and that no person shall cry, show forth or **expose to sale** any wares, merchandise, fruit, herbs, meat, fish, goods, or chattels, upon the first day of the week, commonly called Sunday, or sell or barter the same, upon pain that every person so offending shall forfeit and pay to the use of the poor of the township where such offense shall be committed, the sum of **\$2**; and if any person offending in any of the premises shall be thereof convicted before any justice of the peace for the county where the offense shall be committed, upon the view of the said justice or confession of the party offending, or proof of any witness or witnesses upon oath or affirmation, then the said justice before whom such conviction shall

be had, shall direct and send his warrant, under his hand and seal, to some constable of the county where the offense shall have been committed, commanding him to levy the said forfeitures or penalties by distress and sale of the goods and chattels of such offenders, and to pay the **money** therefrom arising to the overseers of **the poor** of the township where the said offense or offenses shall have been committed, for the use of the poor thereof; and in case no such distress can be had, then every such offender shall, by a warrant under the hand and seal of the justice, be committed to the common jail of the said county, or to the jail of any city or town corporate within the same, for a term not exceeding ten days, to be certainly expressed in said warrant; and further, that if any person shall be found **fishing**, **sporting**, playing, **dancing**, fiddling, shooting, **hunting**, gunning, **traveling**, or going to or returning from any market or landing with carts, wagons or sleds, or behaving in a disorderly manner on the first day of the week, called Sunday, it shall be lawful for any constable, or other citizen, to stop every person so offending, and to detain him or her till the next day, to be dealt with according to law; provided always, that no person going to or returning from any church or place of worship, within the distance of twenty miles, or going to call a physician, surgeon or midwife, or carrying a **mail** to or from any post office, or going express by order of any public officer, shall be considered as traveling within the meaning of this act; and provided also, that nothing in this act contained, shall be construed to prohibit the dressing of victuals in private families or in lodging houses, inns and other houses of entertainment for the use of sojourners, travelers or strangers; and provided further, that it shall and may be lawful for any railroad company in this State to run **one passenger train each way**



over their roads on Sunday, for the accommodation of the citizens of this State. § 2. No person shall, on the first day of the week, called Sunday, cast, draw, or make use of any seine or net, for the purpose of catching fish in any pond, lake, stream or river, within the territorial limits or jurisdiction of this State, or be aiding or assisting therein, and every person offending in the premises shall, on being thereof convicted before any justice of the peace for the county where the offense shall be committed, upon the view of the said justice, or confession of the party offending, or proof of any witness or witnesses upon oath or affirmation, forfeit and pay the sum of **\$14** for every such offense; and in case of non-payment of the said forfeiture, then the said justice before whom such conviction shall be had, shall direct and send his warrant, under his hand and seal, to some constable of the county in which the offense shall have been committed, commanding him to levy the said forfeiture or penalty by distress and sale of the goods and chattels of such offender, and to **pay the money** therefrom arising to the overseers of the **poor** of the township where the said offense shall have been committed, for the use of the poor thereof and for want of goods and chattels whereby to make such distress, to convey the body of the said offender to the common jail of the county, or the jail of any city or town corporate within the same, there to remain in safe custody until the said forfeiture, with the costs of prosecution, shall be fully paid, or until such offender shall be delivered by due course of law. § 3. If any stage or **stages** shall be driven through any part of this State on the first day of the week, called Sunday, except sufficient reason shall be offered to show that it be done in cases of necessity or mercy, or in case of carrying the **mail** to or from any post office, the driver or drivers, proprietor or proprietors of such stage or stages, shall, on being thereof convicted before any justice of the peace for the county where the offense shall be committed, upon the view of the said

justice, or confession of the party offending, or testimony of any witness or witnesses, forfeit and pay the sum of **\$8** for every such offense; and in case of non-payment of the said forfeiture or penalty, then the same shall be levied, recovered and applied in the manner and form prescribed in and by the second section of this act; and every justice of the peace in this State is hereby empowered and required, upon his personal knowledge or view, or other due information, of any stage or stages being driven or run through any part of this State as aforesaid, to stop and detain the same, or order and direct the same to be stopped and detained, at the cost and expense of the proprietor or proprietors of such stage or stages, until the following day, and then to be dealt with as hereinbefore directed. § 4. No wagoner, carter, drayman, drover, butcher, or any of his or their servants, shall ply or **travel** with his or their wagons, carts or drays, or shall load or unload any **goods**, wares, merchandise, or produce, or drive cattle, sheep or swine, in any part of this State, on the first day of the week, called Sunday, under the penalty of **\$2** for every offense, to be levied, recovered and applied, in the manner and form prescribed in the second section of this act. § 5. No person or persons, upon the first day of the week, commonly called Sunday, shall serve or execute, or cause to be served or executed, any writ, **process**, warrant, order, judgment or decree (except in criminal cases or for breach of the peace), but that the service of every such writ, process, warrant, order, judgment or decree, shall be void to all intents and purposes whatsoever; and the person or persons so serving or executing the same, shall be as liable to the suit of the party grieved, and to answer damages to him for doing thereof, as if he or they had done the same without any writ, process, warrant, order, judgment or decree. § 9. If any person or persons whatsoever, either on the first day of the week, called Sunday, or on any other day or time shall willfully

and of purpose, disquiet, interrupt or disturb any assembly of people met for religious worship \* \* \* shall upon conviction before any justice of the peace forfeit and pay the sum of **\$10**, or be committed to jail for a term not exceeding ten days. § 13. **No transportation of freight**, excepting milk, on any public highway, railroad or canal, shall be done or allowed by any person or persons within this State, on the first day of the week, commonly called the Christian Sabbath; provided, that nothing in this act contained shall be construed so as to prevent the transportation of the United States **mail** by railroad or on the public highways, or to the regular trips of **ferry boats** within the State or between this and another State. § 17. If any person or persons shall **disturb** or interrupt **any religious meeting** as aforesaid, on the first day of the week, called Sunday, it shall be lawful for any constable or member of the meeting, and a citizen or freeholder as aforesaid, to apprehend such person or persons immediately, and detain him or them until the next day, then to be dealt with according to law, unless said offender or offenders shall give sufficient security before some magistrate, to appear at any time and place that he may direct, to answer the charge preferred against him or them, in which case it shall be lawful for said magistrate to discharge such offender or offenders. § 31. Every justice of the peace in this State is hereby empowered and required, upon his personal knowledge or view, or other due information, of any canal boat, or railroad car, transporting freight through any part of this State, as aforesaid, he shall be authorized and required to stop and detain the same, or order the same to be stopped and detained, at the cost and expense of the proprietor or proprietors of such canal boat or railroad car, until the following day and then to be dealt with as hereinbefore is directed. § 32. This shall apply also to cattle, sheep and hogs being driven to market on the Sabbath day. § 33. Every inhabitant of this State, who religiously observes the **seventh day** of the week

as the Sabbath, shall be exempt from answering to **any process**, in law or equity, either as defendant, witness or juror, except in criminal cases; likewise from executing, on the said day, the **duties of any post** or office to which he may be appointed or commissioned, except when the interest of the State may absolutely require it, and shall also be exempt from working on the highways and doing any militia duty on that day, except when in actual service. § 34. If any person, charged with having labored or worked on the first day of the week, commonly called Sunday, shall be brought before a justice of the peace to answer the information and charge thereof, and shall then and there prove, to the satisfaction of the said justice, that he or she uniformly keeps the **seventh day** of the week as the Sabbath, and habitually abstains from following his or her usual occupation or business and from all recreation, and devotes the day to the exercise of religious worship, then such defendant shall be discharged; provided always that the work or labor, for which such person is informed against, was done and performed in his or her dwellinghouse or workshop or on his or her premises or plantation, and that such work or labor has **not disturbed** other persons in the observance of the first day of the week as the Sabbath; and provided also, that **nothing** in this section contained shall be **construed to allow any such person to openly expose to sale any goods, wares, merchandise or other article or thing whatsoever** in the line of his or her business or occupation.

Page 1117, State Prisons, Art. VII.—Each **convict** shall every day, except Sundays, be kept at hard labor.

Page 355, § 95.—Election committees shall sit from day to day, Sundays excepted.

Page 450, **Game and Game Fish**, (15), § 1.—The Act of 1866 is hereby extended so as to include all persons who shall fish, with hook and line, for any kind of fish whatsoever, on the Sabbath day, except those mentioned in the fifth section of the supplement to said act.

Page 428, Fisheries, (17), §1.—If any person or persons, whomsoever, shall cast, draw, or in any wise make use of any seine or net in the river Delaware, within the jurisdiction of this State, from **sunset on Saturday until sunrise on Monday** of each and every week, he, she, or they so offending shall forfeit and pay the sum of **\$250**, together with costs of suit, for each and every offense; provided, that nothing in this section contained, shall prevent the owners or occupiers of eddy fisheries above the tide water, from beginning to fish at twelve o'clock on Sunday night.

Page 431, (31), § 1.—If any person or persons whosoever, shall cast or lay out any seine or net in the river Delaware, within the concurrent jurisdiction of this State and State of Pennsylvania, from sunset on Saturday until twelve o'clock on Sunday night of each and every week, he, she, or they so offending shall forfeit and pay the sum of **\$100**, together with costs of suit, for each and every offense.

Page 450, Game etc., (14), § 5.—Any person who shall **hunt** with a gun, or with a dog and gun, or with any kind of firearm or weapon, or shall in any way kill, take or destroy with any trap, snare, or other device whatsoever, any bird or animal whatever, on the Sabbath day, commonly called Sunday, except those who observe the **seventh day** of the week as the Sabbath, gunning upon their own lands, shall be liable to a penalty of twenty-five dollars for each and every offense.

Laws of 1888, Ch. 110, §2.—If the holder of any such license shall sell or **offer for sale**, barter or give, or suffer to be sold or offered for sale, bartered or given within his **tavern**, beer shop, liquor saloon or other premises, any spirituous, vinous or malt **liquors** on the first day of the week commonly called Sunday, \* \* \* his **license** shall thereby become

forfeited and **void**. [Renewed 1889, Ch. 51, § 10,]

SESSION LAWS, 1881, Ch. 211.—§ 2. Boards of Trustees, etc., of any incorporated **camp meeting** association or seaside resort, etc., shall have power, by ordinance or otherwise, to regulate or **restrain** the running of any **railroad** train, locomotive or cars upon any railroad track within said premises upon the first day of the week, commonly called Sunday. § 3. Said trustees, etc., may, by ordinance or otherwise, regulate the landing of persons on piers by means of **boats**, etc., etc., on Sunday,

SESSION LAWS, 1884, Ch. 145.—§ 1. From and after the passage of this Act it shall be lawful for any **Court** or county officer to **publish any notice** or advertisement, now required by law to be published in any newspaper in this State, in any **Sunday newspaper** which has been published in such county for the period of at least one year; and such publication shall be as valid and legal as if the same had been made in any newspaper of this State now authorized by law to publish such notices or advertisements.

DECISIONS.—On Sunday a tenant was notified that if he held over after the expiration of the term he would be charged an increased rent. Held, that his remaining in possession after the expiration of the term did not import a **contract** to pay at the increased rate. *State v. Ryan*, 49 N. J. L., 314. Under N. J. Rev. St., p. 1277, prohibiting Sunday traveling, save for necessity or charity, with the proviso that railroad companies may run one train a day each way "for the accommodation of citizens of this State,"—held, that a passenger on such train, though not traveling for necessity or charity, could recover for the negligence of the company. *Smith v. N. Y., Susquehanna, &c., R. R. Co.*, 46 N. J. L., 7.



## SABBATH LAWS OF NEW MEXICO AND NEW YORK.

NEW MEXICO.—(Sabbath Observance.)

§ 933. Any person or persons, who shall be found on the first day of the week, called Sunday, engaged in any games or **sports**, or in **horse racing**, cock fighting, **dancing**, or in any other manner **disturbing** any worshipping assembly, or private family, or in **buying**, or **selling any goods**, wares or merchandise, chattels, or **liquors**, or any other kind of property, or in holding or **attending any public meeting** or public exhibition, except for religious worship or instruction, or engaged in any **labor**, except works of necessity, charity or mercy, or who shall **keep open** any store, shop or office, or other place of business, or place for the display of goods, wares, or merchandise, shall be punished by a fine not exceeding **\$50**, nor less than \$10, for the first offense, and for the second or any **subsequent offense**, by a fine of not less than \$25, nor more than **\$100**, or by imprisonment of not less than five, nor more than twenty days, in the discretion of the court, or justice, upon conviction before any district court, or justice of the peace: provided, that none of the provisions of this act shall be construed to prevent **travelers** from prosecuting their journey, and keepers of **ferryboats**, **livery stables**, hotels, or restaurants from supplying the wants of their boarders or lodgers, on said day; **barbers** may also pursue their vocation; and provided further, that **butchers** and **bakers** may keep their establishments open, and sell meat, bread and like articles, but shall not sell liquors or general merchandise; and **apothecaries** may likewise keep open their places of business, and sell and deliver drugs, or medicines, and surgical instruments, and medical apparatus, but no other articles on said day. [The foregoing section **amended**, 1886-7, Chap. XXVI., to read as follows:]

§ 933. Any person or persons who shall be found on the first day of the

week, called Sunday, engaged in any **sports**, or in horse racing, cock fighting or in any other manner **disturbing** any worshipping assembly, or private family, or **attending any public meeting**, or public exhibition, excepting for religious worship, or instruction, or engaged in any **labor**, except works of necessity, charity or mercy, shall be punished by a fine not exceeding **\$15**, nor less than \$5, or **imprisonment** in the county jail of not more than fifteen days, nor less than five days, in the discretion of the court, upon conviction before any district court. All **fin**es collected under this act to be **applied to the school fund** of the district in which the offense was committed. It shall be the duty of any sheriff collecting said fine to pay the same to the county treasurer, to the credit of the school district of the county in which the said offense was committed, within thirty days after collecting said fine, and take his receipt therefor. All acts or parts of acts, in conflict herewith are now hereby repealed.

[Session Laws, 1888-9, Chap. 32, Sec. 17, provides that] prosecuting officers are to make no charge against the Territory for cases of violation of the Sunday law. § 934. It shall be lawful in cases of necessity for farmers and gardeners to **irrigate** their lands, and, when necessary to preserve the same, to remove **grain** and other products, from the fields on said day; and nothing in this act shall be construed to prevent cooks, waiters, and other employees of hotels and restaurants, and the **butchers** and **bakers**, from performing their duties on said day. § 935. No **civil process** shall be issued or served on said day, except in case of capias, attachment, or replevin, when the plaintiff, or his agent, shall make oath that he is in danger of being subject to loss or serious inconvenience unless process shall be issued or served on said day. In all other cases, any civil process issued, or

the service thereof, on said day, shall be void. § 936. Sunday, for the purposes of this act, shall be regarded as the **time between sunrise and midnight** of said day. § 937. Witnesses attending to testify on the part of the Territory, under the provisions of this act, shall be entitled to receive two dollars for each day's attendance, and the mileage provided by law, to be taxed as other costs. § 938. It is hereby made **the duty of the attorney general and district attorneys, to prosecute** offenders against the provisions of this act, and they shall be entitled to receive a **fee** of five dollars, for each conviction, to be taxed as other costs.

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NEW YORK.—Penal Code, as amended, 1883, 1887. TITLE X.—OF CRIMES AGAINST THE PERSON AND AGAINST PUBLIC DECENCY AND GOOD MORALS. CHAP. I.—*Of Crimes against Religious Liberty and Conscience.* § 259. The first day of the week being, by general consent, set apart for rest and religious uses, the law prohibits the doing on that day of certain acts hereinafter specified, which are serious interruptions of the repose and religious liberty of the community. § 260. A violation of the foregoing prohibition is Sabbath breaking. § 261. Under the term "day," as employed in the phrase "first day of the week," when used in this chapter, is included all the time from **midnight to midnight**.

§ 263. All **labor** on Sunday is prohibited, excepting works of necessity or charity. In works of **necessity** or charity is included whatever is needful during the day for the good order, health or comfort of the community. § 264. It is a sufficient defense to a prosecution for servile labor on the first day of the week, that the defendant uniformly **keeps another day** of the week as holy time, and does not labor upon that day, and that the labor complained of was done in such a manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.

§ 265. All shooting, hunting, fishing, playing, horse racing, gaming, or other public **sports**, exercises or shows, upon the first day of the week, and all **noise** disturbing the peace of the day, are prohibited. § 266. All trades, **manufactures**, agricultural or mechanical employments, upon the first day of the week are prohibited, **except** that when the same are works of **necessity** they may be performed on that day in their usual and orderly manner, so as not to interfere with the repose and religious liberty of the community. § 267. All manner of public selling or **offering for sale** of any property upon Sunday is prohibited, **except** that articles of **food** may be sold and supplied at any time before 10 o'clock in the morning, and except also that meals may be sold to be eaten on the premises where sold or served elsewhere by caterers; and prepared **tobacco** in places other than where spirituous or malt liquors or wines are kept or offered for sale, and **fruit, confectionery, newspapers, drugs**, medicines, and surgical appliances may be sold in a quiet and orderly manner at any time of the day.

§ 268. All service of legal **process**, of any kind whatever, upon the first day of the week, is prohibited, except in cases of breach of the peace, or apprehended breach of the peace, or when sued out for the apprehension of a person charged with crime, or except where such service is specially authorized by statute.

§ 269 [as amended June 6, 1887]. Sabbath breaking is a misdemeanor, punishable by a fine not less than \$5 and not more than \$10, or by **imprisonment** in a county jail not exceeding five days, or by both; but for a **second offense**, where the party shall have been previously convicted, it shall be punishable by a fine not less than \$10 and not more than \$20 and **imprisonment** in a county jail not less than five nor more than twenty days.

§ 270. In addition to the penalty imposed by the last section, all property

and **commodities exposed for sale** on the first day of the week, in violation of the provisions of this chapter, shall be **forfeited**. Upon conviction of the offender by a justice of the peace of a county, or by any police justice or magistrate, or by a mayor, recorder or alderman of a city, such officer shall issue a warrant for the seizure of the forfeited articles, which, when seized, shall be sold on one day's notice, and the proceeds paid to the overseers of the poor for the use of the poor, of the town or city.

§ 271. Whoever maliciously procures any **process** in a civil action to be served on Saturday, **upon any person who keeps Saturday** as a holy time, and does not labor on that day, or serves upon him any process returnable upon that day, or maliciously procures any civil action to which such person is a party to be adjourned to that day for trial, is guilty of a misdemeanor.

§ 276. All **processions and parades** on Sunday in any city, excepting only funeral processions for the actual burial of the dead, and processions to and from a place of worship in connection with a religious service there celebrated, are forbidden; and in such excepted cases there shall be no music, fireworks, discharge of cannon or firearms, or other disturbing noise. At a military funeral, and at the burial of a national guardsman, or of a deceased member of an association of veteran soldiers, or of a disbanded militia regiment, music may be played while escorting the body, but not within one block of a place of worship where service is then celebrated. A person willfully violating any provisions of this section is punishable by a fine not exceeding **\$20** or **imprisonment** not exceeding ten days, or both.

§ 277. The performance of any tragedy, comedy, opera, ballet, farce, negro minstrelsy, negro or other dancing, wrestling, boxing, with or without gloves, sparring contest, trial of strength, or any part or parts therein, or any circus, equestrian or **dramatic performance** or exercise, or any per-

formance or exercise of jugglers, acrobats, club performances or rope dancers on the first day of the week is forbidden; and **every person aiding in such exhibition**, performance or exercise by advertisement, posting or otherwise, and **every owner** or lessee of any garden, building or other room, place or structure, who leases or lets the same for the purpose of any such exhibition, performance or exercise, or who assents to the use of the same for any such purpose, if it be so used, is guilty of a **misdemeanor**. In addition to the punishment therefor provided by statute, every person violating this section is subject to a **penalty of \$500**, which penalty "**The Society for the Reformation of Juvenile Delinquents**," in the city of New York, **for the use of that society**, and the overseers of the poor in any other city or town, **for the use of the poor**, are authorized, in the name of the people of the State, to recover. Besides this penalty, every such exhibition, performance or exercise, of itself, **annuls any license** which may have been previously obtained by the manager, superintendent, agent, owner, or lessee, using or letting such building, garden, room, place or other structure, or consenting to such exhibition, performance or exercise.

Ch. 549, § 5. \* \* \* \* No inn, tavern, or hotel keeper, or other person shall sell or give away intoxicating **liquors** or wines on Sunday \* \* \* to any person whatever, as a beverage.

Whoever shall offend against the provision of this section shall be guilty of a misdemeanor, and shall be punished for each offense by a fine of not less than \$30 nor more than **\$200**, or by **imprisonment** not less than five days nor more than fifty days, or both such fine and imprisonment at the discretion of the court.

[EDITOR'S NOTE.—See Comments on New York law on pp. 5, 6.]

DECISIONS (on each section in order).—

§ 261. Pulling *v.* People, 8 Barb., 384. Vanderwerker *v.* People, 5 Wend., 530.

§ 263. Works of **necessity** are excepted



by the statute. *Sun Pub. Co. v. Tribune Ass.*, 12 J. & Sp., 136. *Parmalee v. Wilkes*, 22 Barb., 539. § 264. *Isaacs v. Beth Hemedash Soc.*, 1 Hilt., 469. *Maxson v. Annas*, 1 Den., 204. § 265. The Laws of 1815 prohibiting fishing in the Hudson on Sunday. *Sickles v. Sharp*, 13 Johns, 497. It is no defense to an action for a personal **injury** that the parties were at the time practising an unlawful game on Sunday. *Etchberg v. Levielle*, 2 Hilt., 40. § 267. A private **contract** made on Sunday is valid. *Boyton v. Paige*, 13 Wend., 425. *Batsford v. Every*, 44 Barb., 618. *Eberle v. Mehrbach*, 55 N. Y., 682. *Miller v. Roessler*, 4 E. D. Smith, 234. A contract for the publication of an advertisement in a **Sunday paper** held void under former statute. *Smith v. Wilcox*, 24 N. Y., 353. Now permitted by the Laws of 1871, ch. 702. A contract for the **hiring of a horse** to be used on Sunday for pleasure, cannot be enforced, *Nodine v. Doherty*, 36 Barb., 59. But the hirer is liable to an action for negligence, though the **contract** was made on Sunday. *Harrison v. Marshall*, 4 E. D. Smith, 271. § 268. **Process** cannot be legally issued or served on Sunday. *Van Vechten v. Paddock*, 12 Johns, 178. *Butler v. Kelsey*, 15 Johns, 177. Nor be made

returnable. *Gould v. Spencer*, 5 Paige, 541; *Arctic F. Ins. Co. v. Hicks*, 7 Abb., 204. When so served proceedings will be set aside. *Robb v. Moffatt*, 3 Johns, 257. A defendant cannot legally admit service of process on Sunday. *Wood v. Brooklyn*, 14 Barb., 425. An **arrest** cannot be made on Sunday for the violation of a municipal ordinance. *Wood v. Brooklyn*, 14 Barb., 425. Service of **notice of motion** on Sunday is irregular and void. *Field v. Park*, 20 Johns, 140. An **award** made and **published** on Sunday is void. *Story v. Elliott*, 8 Cow., 27. § 271. *Maxson v. Annas*, 1 Den., 204. § 277. An agreement to make an ascension in a balloon on Sunday from a public garden is within the statute. *Brunnett v. Clark*, 1 Sheld., 500.

RECENT DECISIONS, 1885-9.—One who on Sunday procures goods by false representations cannot, on that ground, escape liability from arrest in a civil action, although the law prohibits the sale of that class of goods on Sunday. *O'Shea v. Kohn*, 33 Hun (N. Y.) 114. (Per contra Cr., 1889.) Where three men without noise played ball on private grounds, there was no breach of the law. *People v. Dennin*, 35 Hun (N. Y.) 327.

## PETITION FOR AMENDMENT OF STATE SABBATH LAW.

To the State Senate of..... (Duplicate to House.)

The undersigned, adult residents of the city (or town) of..... hereby earnestly petition your honorable body to so amend our State laws with reference to the first day of the week, that, with the exception of works of real necessity and mercy, and private work by those who keep Saturday, all toil, and traffic and turmoil, whether by railroad or other corporations, or by individuals, shall be equitably forbidden and vigorously suppressed, and so our State enjoy the benefits of laws on this subject as good or better than the best.

## SABBATH LAWS OF NORTH CAROLINA AND BOTH DAKOTAS.

NORTH CAROLINA.—§ 291. No person shall be **arrested** on Sunday. § 348. The time within which an act is to be done, as herein provided, shall be **computed** by excluding the first day and including the last. If the last day be Sunday, it shall be excluded. § 1115. If any person whomsoever shall be known to **hunt** on the Lord's Day, commonly called Sunday, with a dog or dogs, having a shot gun, rifle or pistol, every person so offending shall be subject to indictment; and shall pay a fine not to exceed **\$50**, at the discretion of the court, **two-thirds** of such fine to enure to the **benefit of the free public schools** in the county, the **remainder to the informant**. § 1116. It shall be unlawful for any person to **fish** on Sunday **with a seine**, drag net or other kind of net, except such as are fastened to stakes; and any person violating this section shall be guilty of a misdemeanor, and fined not less than \$200 nor more than **\$500, or imprisoned** not more than twelve months. [See **exception** below.] § 1117. If any person shall sell spirituous, or malt, or other intoxicating **liquors** on Sunday, except on the prescription of a physician, and then only for medical purposes, the person so offending shall be guilty of a **misdemeanor**, and punished by **fine, or imprisonment**, or both, in the discretion of the court. § 1973. No **railroad** company shall permit the loading or unloading of any **freight** car on Sunday; nor shall permit any car, train of cars, or locomotive to be run on Sunday on any railroad, except such as may be run for the purpose of transporting the United States **mails**, either **with** or without **passengers**, and except such as shall be run for carrying **passengers** exclusively, and except such as shall be run for the purpose of transporting **fruits, vegetables, live stock** and **perishable freights** exclusively: Provided, that the

word Sunday in this section shall be construed to embrace **only** that portion of day between **sunrise and sunset**; and that **trains in transitu**, having started on Saturday, may, in order to reach the terminus or shops, **run until nine o'clock, A. M.** on Sunday, but not later, nor for any other purpose than to reach the terminus or shops. And any railroad company violating this section shall be guilty of a **misdemeanor** in each county in which car, train of cars or locomotive shall run, or in which any such freight car shall be loaded or unloaded; and upon conviction shall be fined not less than \$500 for each offense, the fine when collected to be paid to the State Treasurer **for the use of the public schools**.—Counties of Carteret and Onslow exempt from § 1116. Justices **jurisdiction**—punishment not exceed fine of **\$50 or imprisonment** for thirty days.

NORTH DAKOTA.—§ 6238. The first day of the week being by very general consent set apart for rest and religious uses, the law forbids to be done on that day certain acts deemed useless and serious interruptions of the repose and religious liberty of the community. § 6239. Any violation of this prohibition is Sabbath breaking. § 6240. Under the term "day" as employed in the phrase "first day of the week," in the seven sections following, is included all the time from **midnight to midnight**. § 6241. The following are the acts forbidden to be done on the first day of the week, the doing any of which is Sabbath breaking: 1. Servile **labor**; 2. Public **sports**, 3. Trades, manufactures and mechanical employments; 4. Public **traffic**; 5. Serving **process**. § 6242. All manner of servile labor on the first day of the week is prohibited, excepting works of necessity or charity. § 6243. It is a sufficient defense in proceedings for servile labor on the first day of the week to show that

Add North Carolina. Sec. 3782. No person to work on Sunday, under penalty of one dollar. On the Lord's Day, commonly called Sunday, no tradesman, artificer, planter, laborer, or other person, shall, upon land or water, do or exercise any labor, business or work of his ordinary calling, works of necessity and charity alone excepted, nor employ himself in hunting, fishing or fowling, nor use any game, sport or play, upon pain that every person so offending, being of the age of fourteen years and upwards, shall forfeit and pay one dollar. Sec. 3783 forbids hunting; fine, fifty dollars. Sec. 3841-6 provides for payment of note due Sunday on Monday, etc.

the accused uniformly **keeps another day** of the week as holy time; that the labor complained of was done in such manner as not to interrupt or **disturb** other persons in observing the first day of the week as holy time. § 6244. All shooting, sporting, horse racing, gaming or other public sports, upon the first day of the week, are prohibited. § 6245. All trades, manufactures and mechanical employments upon the first day of the week, are prohibited. § 6246. All manner of public selling, or offering, or exposing for sale publicly, of any commodities upon the first day of the week, is prohibited, **except** that **meats, milk and fish** may be sold at any time before nine o'clock in the morning and except that food may be sold to be eaten upon the premises where sold, and **drugs** and medicines and surgical appliances may be sold at any time of the day. § 6247. All service of legal process of any description whatever, upon the first day of the week, is prohibited, except in cases of breach of the peace, or apprehended breach of the peace, etc.. § 6248. Every person guilty of Sabbath breaking is punishable by a fine of **\$1** for each offense. § 6250. Whoever maliciously procures any **process** in a civil action to be served on Saturday upon any person who **keeps Saturday** as holy time, or serves upon him any process returnable on that day, or maliciously procures any civil action to which such person is a **party** to be adjourned to that day for trial, is guilty of a misdemeanor.

OHIO.—§ 7032a. Whoever on the first day of the week, commonly called Sunday, participates in or exhibits to the public, with or without charge for admittance, in any building, room, ground, garden or other place in this State, any **theatrical** or dramatical performance of any kind or description, or any equestrian or circus performance of jugglers, acrobats, rope dancing, sparring exhibitions, variety shows, negro minstrelsy, living statuary, ballooning, or any **base ball** playing, or any tenpins, or other games of similar kind or kinds, or participates in keeping any low

or disorderly house or resort, or shall sell, dispose of, or give away any ale, beer, porter or spirituous **liquors** in any building appendant or adjacent thereto, when any such show, performance or exhibition is given, or houses or places is kept he or she shall, on complaint made within twenty days thereafter, be fined in any sum not exceeding **\$100**, or be confined in the county jail not exceeding six months, or both. § 7033. Whoever, being **over fourteen years** of age, engages in common **labor** on Sunday (works of necessity and charity excepted) shall on complaint made within ten days thereafter be fined not more than **\$5**, but this section does not extend to those who conscientiously observe the **seventh day** of the week as the Sabbath, nor shall it be construed so as to prevent families **emigrating** from traveling, **watermen** from landing their passengers, superintendents or keepers of toll bridges or **toll gates** from attending the same, or **ferrymen** from conveying travelers over waters. [61 v., 104, 29 v., 161; Sec. 14.] § 3176. If the third day of grace be the first day of the week, the demand of payment from maker of any bond, **note**, etc., shall be made on the next preceding business day. § 3177. If the first day of January be the first day of the week, the succeeding Monday shall, for the same purpose, be considered as the first day of the week. § 4951. Unless otherwise specially provided the time within which an act is required by law to be done shall be **computed** by excluding the first day and including the last, and if the last be Sunday it shall be excluded. [51 v., 57, Sec. 597.] § 5458. No person shall be **arrested** on the first day of the week, commonly called Sunday. This does not extend to crimes, etc. § 7032. Whoever, being **over fourteen years** of age, engages in **sporting**, rioting, **quarreling**, **hunting**, **fishing** or shooting on Sunday shall, on complaint made within ten days thereafter, be fined not more than **\$20**, or **imprisoned** not more than twenty days, or both.



OHIO.—§ 8092.—18. That the sale of intoxicating liquors, whether distilled, malt or vinous, on the first day of the week, commonly called Sunday, except by a regular druggist on the written prescription of a regular practicing physician for medical purposes only, is hereby declared to be unlawful, and all places where such intoxicating liquors are on other days sold, or exposed for sale, except regular drug stores, shall on that day be closed, and whoever makes any such sale, or allows any such place to be open or remain open on that day, shall be fined in any sum not exceeding one hundred dollars, and not less than twenty-five dollars, and be imprisoned in the county jail or city prison not less than ten days and not exceeding thirty days. In regular hotels and eating houses the word "place" herein used shall be held to mean the room or part of room where such liquors are usually sold or exposed for sale, and the keeping of such room or part of room securely closed shall be held, as to such hotels and eating houses as a closing of the place in the meaning of this act.

## SABBATH LAWS OF OREGON AND PENNSYLVANIA.

OREGON.—§ 1909. No person shall **keep open** any house or room in which intoxicating **liquor** is kept for retail on the first day of the week, commonly called Sunday, or give or sell or otherwise dispose of intoxicating liquors on that day. Any person violating this section shall be fined in any sum not exceeding **\$25** nor less than \$10 for each offense; such fine to be for the **use of common schools**; provided, that this section, so far as it prohibits keeping open a house or room, shall **not apply to tavern keepers**. § 1569. If the crime charged be a felony the arrest may be made on any day; but if it be a misdemeanor, the **arrest** cannot be made on a Sunday, unless upon the direction of the magistrate, indorsed upon the warrant. § 1896. If any person shall serve or execute any civil **process** on a Sunday or the Lord's Day, such service shall be void, and such person, upon conviction thereof, shall be punished by a fine not less than \$5 nor more than **\$50**. § 1890. If any person shall **keep open** any store, shop, grocery, ball alley, billiard room or tippling house for purpose of **labor or traffic**, or any place of amusement, on the first day of the week, commonly called Sunday or the Lord's Day, such person, upon conviction thereof, shall be punished by a fine not less than \$5 nor more than **\$50**; provided, that the above provision shall not apply to the keepers of **drug stores, doctor shops, undertakers, livery stable keepers, barbers, butchers, and bakers**; and all circumstances of necessity and mercy may be pleaded in defense, which shall be treated as **questions of fact for the jury** to determine when the offense is tried by a jury.

PENNSYLVANIA.—(Sunday) § 1. No person or persons, upon the first day of the week, shall serve or execute, or caused to be served or executed, any **writ**,

precept, warrant, order, judgment or decree, except in case of treason, felony or breach of the peace; but the serving of any such writ, precept, warrant, order, judgment or decree shall be void, to all intents and purposes whatsoever; and the person or persons so serving or executing the same shall be as liable to the suit of the party grieved and to answer damages to him for doing thereof, as if he or they had done the same without any writ, precept, warrant or order, judgment or decree at all. § 2. No part of any act of assembly heretofore passed, shall be construed to require any **canal or railroad** company to attend their works on the Sabbath days, for the purpose of expediting or aiding the passage of any boat, craft or vehicle along the same; any clause or clauses in their respective charters, imposing a penalty for not aiding boats, crafts or vehicles to pass within a certain time, to the contrary notwithstanding. § 3. If any person shall do or perform any **worldly employment or business** whatsoever on the Lord's Day, commonly called Sunday (works of necessity and charity only excepted), shall use or practice any unlawful **game, hunting, shooting, sport** or diversion whatsoever on the same day, and be convicted thereof, every such person so offending shall, for every such offense, forfeit and pay **\$1** to be levied by distress; or in case he or she shall refuse or neglect to pay the said sum, or goods and chattels cannot be found, whereof to levy the same by distress, he or she shall suffer six days' imprisonment in the house of correction of the proper county. Provided, always, that nothing herein contained shall be construed to prohibit the dressing of victuals in private families, **bake-houses**, lodging houses, inns and other houses of entertainment for the use of sojourners, travelers or strangers, or to hinder **watermen** from landing their

passengers, or **ferry-men** from carrying over the water travelers, or **persons removing** with their families on the Lord's Day, commonly called Sunday, nor to the delivery of **milk or the necessaries of life, before nine of the clock in the forenoon,** nor **after five** of the clock in the afternoon of the same day. §4. Provided, always, that every such **prosecution** shall be commenced within **seventy-two hours** after the offense shall be committed. §5. All persons who are found drinking and **tippling** in ale houses, taverns, or other public house or place, on the first day of the week, commonly called Sunday, or any part thereof, shall, for every offense, forfeit and pay **one shilling and six pence** to any constable that shall demand the same to the use of the poor; and all constables are hereby empowered, and by virtue of their office required, to search public houses and places suspected to entertain such tipplers, and then, when found, quietly to disperse; but in case of refusal, to bring the persons so refusing before the next justice of the peace, who may commit such offenders to the stocks, or bind them to their good behavior, as to him shall seem requisite. And the keepers of such ale houses, taverns or other public house or place as shall countenance or tolerate any such practices, being convicted thereof by the view of a single magistrate, his own confession, or the proof of one or more credible witnesses, shall, for every offense, forfeit and pay **ten shillings**, to be recovered as and for the uses above said. §6. Provided, always, that nothing in this act be construed to prevent victualling houses, or other public house or place from supplying the necessary occasions of travelers, inmates, lodgers or others, on the first day of the week, with victuals and drink in moderation, for refreshment only; of which necessary occasion for refreshment, as also moderation, the magistrate before whom complaint is made shall be judge; any law, usage or custom in this province to the contrary notwithstanding. §7. It

shall not be lawful for any person or persons to sell, trade or barter in any spirituous or malt **liquors**, wine or cider on the first day of the week, commonly called Sunday; or for the keeper or keepers of any hotel, inn, tavern, ale house, beer house, or other public house or place knowingly to allow or permit any spirituous or malt liquors, wine or cider, to be drank on or within the premises or house occupied or kept by such keeper or keepers, his, her, or their agents or servants, on the said first day of the week. §8. Any person or persons violating the provisions of the foregoing section, shall, for each and every offense, forfeit and pay the sum of **\$50, one-half** of which shall be paid to the **prosecutor**, and the other half to the guardians of **the poor** of the city or county in which suit is brought, or in the counties having no guardians of the poor, then to the overseers of the poor of the township, ward or borough in which the offense was committed; to be recovered before any mayor, alderman, burgess or justice of the peace, as debts of like amount are now by law recoverable, in any action of debt brought in the name of the commonwealth, as well for the use of the guardians of the poor (or for the overseers of the poor of the township, ward or borough, as the case may be) as for the person suing: provided, that when any prosecutor is himself a witness, on any trial under the provisions of this section, then the whole penalty of forfeiture shall be paid to the guardians or overseers as aforesaid; and provided further, that it shall be a misdemeanor in office, for any such mayor, alderman, burgess or justice of the peace, to neglect to render to the said guardians of the poor and prosecutor the amount of such penalty, within ten days from the payment of the same. §9. In **addition to the civil penalties** imposed by the last preceding section, for violation of the provisions of the first section of this act, every person who shall violate the provisions of that section, shall be taken and deemed to have committed a misdemeanor, and shall, on convic-

tion thereof, in any criminal court in the commonwealth, be fined in any sum not less than \$10, nor more than **\$100**, and be **imprisoned** in the county jail for a period not less than ten, nor more than sixty days, at the discretion of the court. § 10. All penalties, fines and forfeitures imposed, incurred or paid, under the act to which it is a supplement, except so far as part thereof is payable to the prosecutor shall be paid over to the guardians, directors or other representatives of the poor of the city, district or county in which the offense was committed. § 17. There shall be no **haunting** or shooting or **fishing** on the first day of the week, called Sunday, and any person offending against the provisions of this section shall be liable to a penalty of **\$25**. § 24. It shall not be lawful for any person, with or without license, to furnish by sale or gift or otherwise to any person any spirituous, vinous, malt or brewed **liquors**, on any day upon which elections are now or hereafter may be required to be held, nor on Sunday, nor at any time to a minor or a person of known intemperate habits, or a person visibly affected by intoxicating drink, either for his or her use, or for the use of any other person, or to sell or furnish liquors to any person on a **pass-book or order** on a store, or to receive from a person any **goods**, wares, merchandise or provisions in **exchange** for liquors, shall be held and deemed a misdemeanor, and upon conviction thereof the offender shall be fined not less than \$50 nor more than **\$500**, and undergo an imprisonment of not less than twenty nor more than ninety days.

DECISIONS.—The offense of **working** on Sunday, does not amount to a breach of the peace. *Commonwealth v. Eyre*, I. S. & R., 350. Unless it be carried on in public, and in such a manner as to disturb those who keep it as a day of rest and religious observance. Thus, the **crying of newspapers** in the public streets on Sunday is a **breach of the peace**. *Commonwealth v. Teammann*, 1 Phila., 460. And so is the **dri-**

**ving of a public conveyance** as a passenger car for hire. *Commonwealth v. Jeandell*, 2 Gr., 506. See s. c. 3 Phila., 599. But the pilot who, in the discharge of his ordinary occupation, **pilots** a canal boat on that day, is liable for the penalty. The **canal company** is not required to stop travel upon their works on Sunday, though relieved from any penalty for so doing. *Scully v. Commonwealth*, 35 Penn. St., 511. This act is binding on **Jews** and others who keep the seventh day as their Sabbath. *Commonwealth v. Wolf*, 3 S. & R., 48. *Specht v. Commonwealth*, 8 Penn. St. 312. As a civil and political institution the establishment and regulation of the Sunday, is within the just powers of the civil government. *Lindenmuller v. People*, 33 Barb., 548. The acts in favor of **liberty of conscience** are not inconsistent with the Sunday laws; these are not intended to enforce religion, but to protect the social customs of the people. *Commonwealth v. Nesbit*, 34 Penn. St., 368. Driving a public conveyance for the **transportation** of passengers, is **not** a work of **necessity**. The traveling which is not forbidden, is that by private conveyance. *Johnston v. Commonwealth*, 23 Penn. St., 103; *Sparhawk v. Union Passenger Railway Co.*, 54 *Ibid*, 401. The act embraces **every kind of worldly employment**, whether in the exercise of a person's ordinary calling or not. *Kepner v. Keefer*, 6 W., 522; *Johnston v. Commonwealth*, 23 Penn. St., 102. The business of a **barber** in shaving his customers on Sunday morning is within the prohibition. *Commonwealth v. Jacobus*, 1 Leg. Gaz. R., 491; *Commonwealth v. Williams*, 1 Pears, 61. And a **contract** for the publication of an **advertisement** in a **newspaper** to be issued and sold on **Sunday**, is **void**. *Smith v. Wilcox*, 24 N. Y., 353. The selling of goods out of a party's store on Sunday, renders him liable for a **separate penalty for each act of selling to a different customer**. *Reiff v. Commonwealth*, 42 Leg. Ing., 90; *Duncan v. Commonwealth*, Pears, 213. A licensed inn keeper who sells



**ice cream** to others than sojourners, travelers or strangers, is within exception in § 3. *Commonwealth v. Bosch*, 15 W. N. C., 316. Selling **liquor** to a **traveler**, on Sunday, is a violation of the Act of 1794. *Omit v. Commonwealth*, 21 Penn. St., 426; and also see *Commonwealth v. Naylor*, 34 *Ibid.*, 86; *Commonwealth v. Bosch*, 15 W. N. C., 316.

RECENT DECISIONS.—It is the “performing any worldly employment or business” on Sunday that Pennsylvania act of April 22, 1794, prohibits. One who keeps his shop open and makes several distinct sales to different persons, is guilty of but one offense and liable to but one fine. *Friedeborn v. Commonwealth*, 113 Pa. St., 242; S. C. 57 Am. Rep., 464. A baker kept his shop open on Sunday and sold ice cream and

cakes, Held, that he was properly convicted under statutes making it an offense to perform worldly employment and business on Sunday. Appeal of *Burry*, 1 Pa. Sup. Ct. Cas. 80.

A Sunday Law provided that prosecutions should be commenced within seventy-two hours after the offense was committed. A case stated, filed eight years after the time of the commission of the alleged offense, provided that if the court should deem the act alleged a violation of the statutes, “if the suit had been brought in proper time,” then judgment to be entered for the commonwealth, otherwise for defendant. Held, that a writ of error to a judgment entered for defendant, should be quashed. *Com. v. Keithan*, 1 Pa. Sup., Ct. Cas. 368.

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[Headings of State Petition, when Efforts are made to Weaken the Sabbath Laws.]

### To the State Senate of.....

The undersigned, citizens of the town or city of..... respectfully represent that great advantages have accrued to the public and private interests of the people of this State, from the operation of the laws upon our statute books in relation to the observance of the first day of the week, and they, therefore, pray your honorable body that no act be passed that will in any way impair the efficiency of the laws which now secure to the toiler his needed weekly rest.

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NAMES.	OCCUPATIONS.

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### To the House.....

The undersigned, citizens of the town or city of..... respectfully represent that great advantages have accrued to the public and private interests of the people of this State, from the operation of the laws upon our statute books in relation to the observance of the first day of the week, and they, therefore, pray your honorable body that no act be passed that will in any way impair the efficiency of the laws which now secure to the toiler his needed weekly rest.

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NAMES.	OCCUPATIONS.

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## SABBATH LAWS OF RHODE ISLAND, SOUTH CAROLINA, TENNESSEE AND TEXAS.

RHODE ISLAND.—Ch. 87, § 25. If any person shall at any time **offer to sell**, sell or suffer to be sold by any person, by sample or otherwise, any ale, wine, rum or other strong or malt **liquors**, or any mixed liquors a part of which is ale, wine, rum or other strong or malt liquors, in violation of the preceding sections of this chapter or any of them, he shall be sentenced on the first conviction to pay a fine of **\$20 and all costs** of prosecution and conviction **and be imprisoned** in the county jail for ten days; on the **second conviction** he shall be sentenced to pay a fine of **\$50 and all costs** of prosecution and conviction **and be imprisoned** in the county jail three calendar months; and on the third and **subsequent conviction** he shall be sentenced to pay a fine of **\$100 and all costs** of prosecution and conviction **and be imprisoned** in the county jail not less than three months nor more than six calendar months. § 26. If any person shall keep or suffer to be kept on his premises or possessions, or under his charge, for the purposes of sale, in violation of the preceding sections of this chapter or any of them any ale, wine, rum or other strong or malt liquors, or any mixed liquors a part of which is ale, wine, rum or other strong or malt liquors he shall be fined **\$20 and be imprisoned** in the county jail ten days. § 31. No sale of the **liquors** enumerated in § 25 and § 26 of this chapter shall be made on Sunday, except by registered **pharmacists** or registered assistant pharmacists upon a physician's prescription. \* \* \* Any person who shall be convicted of offering to sell, selling or suffering to be sold by any person, by sample or otherwise, any of the liquors enumerated in § 25 and § 26 of this chapter on Sunday except as provided in this section \* \* \* shall be fined **\$20 and be imprisoned** in the county jail for ten days on the first conviction; and on the second conviction

he shall be fined **\$50 and be imprisoned** in the county jail three months; and in each case such sale or offer to sell on Sunday or on any prohibited days or hours as aforesaid shall be made or suffered to be made by any person holding a license under the provisions of this chapter, such **license** shall be **forfeited** and such person shall be **disqualified to receive a license** for the sale of intoxicating liquors for the period of two years after his conviction. § 57. The mayor or aldermen of any city, or the town council of any town, or either member thereof, or the chief of police of any city or town, or any **police** officer or any constable specially authorized by said board of aldermen or town council, or any member of State police, **may at any time enter upon the premises** of any person licensed or authorized to sell under the provisions of this chapter, to ascertain the manner in which such person conducts his business and to preserve order; and every such chief or police officer, constable or member of the State police shall have the power to arrest, without a warrant, all persons found actually engaged in the premises thus entered in the commission of any offense in violation of any of the provisions of this chapter, and to keep such persons so arrested in custody until they can be brought before some magistrate of the same city or town (but for a period not to exceed twenty-four hours), having the proper jurisdiction of such offense, to be dealt with according to law; and whenever any person is **seen to drink** any intoxicating liquor in such premises or in any part thereof on Sunday or on other days or hours prohibited under the provisions of this chapter, it shall be **evidence** that such liquors were sold and kept for sale by the occupant of such premises or his authorized agent.

Ch. 88, § 3. Town councils may license such exhibitions and performances with-

in their several towns for such term not exceeding one year and subject to such regulations and restrictions as they may prescribe ; but **no license** shall authorize any such **exhibition** or performance to be given on the first day of the week. Ch. 90, § 9. No business to be transacted by **pawnbrokers** on the first day of the week. Ch. 92, § 3. Every person, not being at the time under military duty, who shall **discharge any rifle**, musket, fowling-piece, pistol or other small arms, \* \* \* shall anywhere discharge any of such arms on Sunday, shall be fined not exceeding **\$20**. Ch. 208, § 34. No **civil process** whatsoever shall be served on Sunday, but every such service shall be utterly void. Ch. 244, § 15. Every person who shall do or exercise any **labor or business** or work of his ordinary calling, or use any game, sport, play or recreation on the first day of the week, or suffer the same to be done or used by his children, servants or apprentices, works of necessity and charity only excepted, shall be fined not exceeding **\$5** for the first offense and **\$10** for the second and every **subsequent offense**. § 16. Every person who shall employ, improve, set to work or encourage the servant of any other person to commit any act named in the preceding section shall suffer the like punishment. § 17. All **complaints** for violations of the provisions of the preceding two sections shall be made **within ten days** after the committing thereof and not afterwards. Ch. 38, § 20. Town councils and **city councils** may make police regulations against breakers of the Sabbath.

Session Laws 1889, Ch. 816, § 24. No sale of the **liquors** enumerated in sections 1, 19 and 20 of this chapter shall be made on Sunday, except by registered **pharmacists** or registered assistant pharmacists upon a physicians prescription. Any person who shall be convicted, shall be fined **\$20**. § 50. And whenever any person is **seen to drink** any intoxicating **liquor** in such premises or in any part thereof on Sunday, it shall be **evidence** that such liquors were sold and kept for sale by the occu-

pant of such premises of his authorized agent. § 58. Every person licensed to sell intoxicating **liquors** shall cause to be **removed** on his licensed premises all **obstructions** of whatever kind that may prevent a clear **view of the interior** of the same from the outside thereof, by the passer by, through the window, during the entire day of each Sunday ; and every person violating the provisions of this section shall be fined **\$20**.

SOUTH CAROLINA.—§ 663. No civil or criminal **process** shall be served on Sunday, except for treason, felony or breach of the peace. Nor shall any female be arrested in any civil action, except for a willful injury to persons, character or property. § 664. It shall be lawful for the Sheriff, Deputy Sheriff or jailer to retake on Sunday, as on any other day, and at Court, muster or any other place, any prisoner who has escaped. § 1475. It shall be **unlawful** for any **railroad** corporation owning or controlling railroads operating in this State to load or unload, or permit to be loaded or unloaded, or to run or permit to be run, on Sunday, any locomotive, cars or train of cars, moved by steam power, except as hereinafter provided, and except to unload cars loaded with **animals**. § 1476. It shall be lawful for said corporations or persons to run on said day, during the months of April, May, June, July and August, trains laden exclusively with **vegetables** and **fruits**, and on said day in any and every month, their regular **mail** trains and such construction or other trains rendered necessary by **extraordinary emergencies, other than those incident to freight or passenger traffic**, and such **freight** trains as may be in transitu which can reach their destination by **six o'clock A. M.**

§ 1477. It shall be lawful for any train running by a schedule in conformity with the provisions of this chapter, but delayed by **accident** or other unavoidable circumstance to be run until it reaches the point at which it is usual for it to rest upon a Sunday. § 1478. For a wilful violation of the provisions of sec-



tions 1475, 1476, and 1477 of this chapter, the railroad company so offending shall forfeit to the State **\$500**, to be collected in any court of competent jurisdiction.

§ 1631. No tradesman, artificer, workman, laborer or other person whatsoever, shall do or exercise any worldly **labor, business**, or work of their ordinary callings upon the Lord's Day (commonly called the Sabbath), or any part thereof (works of necessity or charity only excepted); and every person, being of the age of **fifteen years or upwards**, offending in the premises, shall, for every such offense, forfeit the sum of **\$1**. § 1632. No person or persons whatsoever shall publicly cry, show forth, or **expose to sale** any wares, merchandise, fruit, herbs, goods, or chattels whatsoever, upon the Lord's Day, or any part thereof, upon pain that every person so offending shall **forfeit** the same **goods** so cried, or showed forth, or exposed to sale. § 1633. No public **sports** or pastimes, as bear-baiting, bull-baiting, foot-ball playing, horse-racing, interludes, or common plays, or other games, exercises, sports, or pastimes whatsoever, shall be used on the Lord's Day by any person or persons whatsoever; and every person or persons offending in any of the premises shall forfeit for every offense the sum of **\$1**. § 2592. Whoever shall keep, or suffer to be kept, any gaming table, or permit any game or **games** to be played in his, her, or their houses, on the Sabbath day, such person or persons, on conviction thereof before any Court having jurisdiction, shall be fined in the sum of **\$50**, to be sued for on behalf of, and to be recovered for, the use of the State.

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**SOUTH DAKOTA.**—Same as North Dakota.

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**TENNESSEE.**—§ 2289. If any merchant, artificer, tradesman, farmer or other person shall be guilty of doing or exercising any of the **common avocations** of life, or of causing or permitting the same to be done by his children or servants, acts of real necessity or charity

excepted, on Sunday, he shall, on due conviction thereof before any justice of the peace of the county, forfeit and pay **\$3, one-half to the person who will sue for the same**, the other half for the use of the county.

[DECISION: **Barbering** on Sunday may subject the barber to the penalty proscribed, but is not indictable either as a nuisance or a misdemeanor. 7 Bax., 95.] § 2290. Any person who shall **hunt, fish** or play at any game of **sport**, or be **drunk on Sunday**, as aforesaid, shall be subject to the same proceedings and liable to the same **penalties** as those who work on the Sabbath. § 46. The time within which any act provided by law is to be done, shall be **computed** by excluding the first day and including the last, unless the last day is Sunday, and then it also shall be excluded. § 571. No licensed grocer or other person in this State shall retail spiritous **liquors** on Sunday. The punishment of this offense shall be **fine and imprisonment** at the discretion of the court.

**LAWS OF 1889, Ch. 31.**—§ 1. The law of this State prohibiting the sale of liquor on Sunday as compiled in section 5671, is so amended as to prohibit the sale on Sunday of any malt, vinous, fermented or other intoxicating **liquors**, or to **keep open** on Sunday any place where such liquors are sold or dispensed, and any person offending shall be punished as provided in said act; provided that the provisions of this act shall not apply to **druggists** selling on the prescription of a practicing physician; provided, further, that **restaurants** and eating houses where spirituous, vinous and malt liquors are sold under the license law of the State on week days, shall be allowed to conduct their **eating** department on Sunday, but the bar room shall be closed, and no drinks of any kind sold.

§ 3629. Civil **process** may be issued on the Sabbath, on the application of any party, supported by oath or affirmation, that the defendant is removing, etc. § 3612. Actions may be abated by plea of the defendant in the following case: Where the process is issued or served

on Sunday, except in the cases prescribed in section 2529.

TEXAS.—ART. 183. Any person who shall hereafter **labor**, or compel, force, or oblige his employees, workman, or apprentices to labor, on Sunday, or any person who shall hereafter **hunt** game of any kind whatsoever on Sunday **within one-half mile** of any church, school house, or private residence, shall be fined not less than \$10 nor more than **\$50**. Art. 184. The preceding article shall not apply to household duties, works of necessity or charity; nor to necessary work on farms and plantations in order to prevent the loss of any crop; nor to **the running of steamboats and other water crafts, rail cars, wagon trains, common carriers, nor to the delivery of goods by them** or the receiving or storing of said goods by the parties, or their agents to whom said goods are delivered, nor to stages carrying the United States **mail**, or **passengers**; nor to foundries, sugar mills, or herders who have a herd of stock actually gathered and under herd; nor to persons **traveling**; nor to **ferrymen** or keepers of **tollbridges**, keepers of hotels, boarding houses, and restaurants and their servants; nor to keepers of **livery** stables and their servants; nor to any person who conscientiously believes that the **seventh** or any other **day** of the week ought to be observed as the Sabbath, and who actually refrains from business and labor on that day for religious reasons. Art. 185. Any person who shall run or be engaged in running any **horse race**, or who shall permit or allow the use of any nine or ten pin alley, or who shall be engaged in match-shooting, or any species of **gaming** for money or other consideration, within the limits of any city or town on Sunday, shall be fined not less than \$20 nor more than **\$50**. Art. 186. Any merchant, grocer, or dealer in wares or mer-

chandise, or trader in any business whatsoever, or the proprietor of any place of public amusement, or the agent or employee of any such person, who shall sell or barter, or permit his **place of business or place of public amusement to be open** for purpose of traffic or public amusement, on Sunday shall be fined not less than \$20 nor more than **\$50**. The term place of public amusement shall be construed to mean circuses, theatres, variety theatres, and such other amusements as are exhibited and for which an **admission fee** is charged; and shall also include **dances** at disorderly houses, low dives and places of like character, with or without fees of admission. Art. 186a. The preceding article shall not apply to markets or dealers in **provisions** as to sales of provisions made by them before 9 o'clock A. M., nor to the sale of burial or shrouding material, **newspapers**, ice, ice cream, milk, nor to the sending of **telegraph or telephone** messages at any hour of the day, nor to keepers of **drug stores, hotels, boarding houses, restaurants, livery stables, barber shops, bath houses, or ice dealers**, nor to telegraph or telephone offices.

(Civil Code.)—Art. 391. **City Councils** shall have power to close drinking houses, **saloons**, barrooms, beer saloons, and all places or establishments where intoxicating or fermented liquors are sold on Sundays, and **prescribe hours for closing them, and also all places of amusement and business**.

Charter of the city of **Dallas**. Sec. 106. The City Council shall have power, to open, close and regulate **saloons** and all places where intoxicating or fermented liquors are sold, on Sundays, and to **prescribe what hours on Sunday such sales can be made**, and what hours such places must be closed and sales prohibited; and **all places of amusements and business**.

## SABBATH LAWS OF UTAH, VERMONT, VIRGINIA, WASHINGTON AND WEST VIRGINIA.

UTAH.—SEC. 4514. Every person who, on Sunday, gets up, exhibits, opens, or maintains, or aids in getting up, exhibiting, opening, or maintaining any bull, bear, cock, or prize fight, horse race, circus, gambling house, or saloon, or any barbarous and **noisy amusement**, or who keeps, conducts, or exhibits any **theatre**, melodeon, **dance**, cellar, or other place of musical, theatrical, or operatic performance, spectacle, or representation where any wines, **liquors**, or intoxicating drinks are bought, sold, used, drank, or given away, or who purchases any **ticket of admission**, or directly or indirectly pays any admission fee to or for the purpose of witnessing or attending any such place, amusement, spectacle, performance, or representation, is guilty of a misdemeanor. § 4515. Every person who **keeps open** on Sunday any **store**, workshop, bar, **saloon**, banking house, or other place of business, for the purpose of transacting business therein, is punishable by fine not less than \$5, nor more than **\$100**.

§ 4516.—The provisions of the preceding section do not apply to persons who, on Sunday, keep open hotels, boarding houses, **baths**, restaurants, taverns, **livery** stables, or retail **drug** stores for the legitimate business of each, or such manufacturing establishments as are usually kept in continued operation. § 4519. Every person who performs any unnecessary **labor**, or does any unnecessary business on Sunday, is guilty of a misdemeanor and shall be fined in any sum not exceeding **\$25**.

§ 4520.—Labor employed by employees of such works as are usually kept in constant operation, and in **irrigating**, is not included in the foregoing section.

§ 4521.—For the purpose of this act, Sunday shall commence at **midnight** Saturday, and terminate the following **midnight**.

VERMONT.—SEC. 4315. A person who between **twelve o'clock Saturday night** and **sunset** on the following Sunday exercises any **business** or employment except such only as works of necessity and charity, or is present at any public assembly except such as is held for social and religious worship and moral instruction, or **travels**, except from necessity or charity, or **visits** from house to house except from motives of humanity or charity or for moral or religious edification, or holds or resorts to any **ball** or dance, or uses or exercises any game, **sport** or play, or **resorts to any tavern**, inn, or house of entertainment for amusement or recreation, shall be fined not more than **\$2**. § 4316. A person who **hunts**, shoots or pursues, takes or kills wild game or other birds or animals, or discharges firearms except in the just defense of person or property or in the performance of military or police duty, on Sunday, shall be fined **\$10, one-half to go to the person who makes the complaint** and one-half to the State.

§ 670.—No **process**, except escape warrants and warrants for apprehending a principal in favor of bail, and in cases of treason, felony, and breaches of the peace, shall be served or executed on a resident of the United States after **sunset** on Saturday, until after twelve o'clock at night of the following Sunday; and any such attempted service thereof shall be void.

Laws of 1888, No. 18. The Board of Railroad Commissioners may authorize the running upon any railroad of such **through trains** on Sunday as, in the opinion of the Board, the public **necessity and convenience** may require, having regard to the due observance of the day.

VIRGINIA.—§ 898. No civil **process** shall be served on Sunday, except in



cases of persons escaping out of custody, or where it may be specially provided by law. § 2970. Such **attachment** may be issued or executed on a Sunday, if oath be made that the defendant is actually removing his effects on that day. § 3799. If a person, on a Sabbath day, be found **laboring** at any trade or calling, or employ his apprentices or servants in labor or other business, except in household or other work of necessity or charity, he shall forfeit **\$2** for each offense. Every day any servant or apprentice is employed shall constitute a distinct offense. § 3801. No **railroad** company, receiver or trustee controlling or operating a railroad shall, by any agent or employee, load, unload, run or transport upon such road on a Sunday any car, train of cars, or locomotive, nor permit the same to be done by any such agent or employee **except** where such cars, trains, or locomotives are used exclusively for the relief of wrecked trains or trains so disabled as to obstruct the main track of the railroad, or for the transportation of the United States **mail**, or for the transportation of **passengers** and their baggage, or for the transportation of **live stock**, or for the transportation of **articles** of such **perishable** nature as would be necessarily impaired in value by one day's delay in their passage. Provided, however, that if it should be necessary to transport live stock or perishable articles on a Sunday to an extent not sufficient to make a whole train load, such train load may be **made up with cars loaded with ordinary freight.** § 3802. The word "Sunday" in the preceding section shall be construed to embrace only that portion of the day between **sunrise and sunset**, and **trains in transit** having started prior to twelve o'clock on Saturday night, may, in order to reach the terminus or shops of the railroad, run until **nine o'clock** the following Sunday morning, but not later. [The very reading of the two foregoing Sections in an audience in Richmond raised a roar of laughter, so completely had the tail of the snake, the exceptions, eaten up the

head and body. Evidently, Virginia's government has been of, by and for the railroads.] § 3803. Any railroad company receiver or trustee violating the provisions of section thirty-eight hundred and one, shall be deemed to have committed a separate offense in each county or corporation in which such car, train of cars, or locomotive shall run, or in which such car or train of cars shall be loaded or unloaded; and shall be fined not less than \$50, nor more than **\$100** for each offense. [An absurdly small fine for a corporation.] § 3804. No barroom, **saloon**, or other place for the sale of intoxicating liquors, shall be **opened**, and no intoxicating bitters or other drink shall be sold in any barroom, restaurant, saloon, store, or other place, between **twelve o'clock on any Saturday night and sunrise** of the succeeding **Monday morning**. If any person violate the provisions of this section he shall be fined not less than \$10 nor more than **\$500**; and shall, also, in the discretion of the court, forfeit his license: but **nothing** herein contained shall **apply to any city having police regulations on this subject**, and an ordinance prescribing a penalty equal to that imposed by this section. § 3806. If any person **carry any gun**, pistol, bowie knife, dagger or other dangerous weapon, **to a place of worship** while a meeting for religious purposes is being held at such place, or, without good and sufficient cause therefor, carry any such weapon on a Sunday at any place other than his own premises, he shall be fined not less than **\$20**. If any offense under this section be committed at a place of religious worship, the offender may be arrested on the order of a conservator of the peace, without warrant, and held until a warrant can be obtained, but not exceeding three hours. It shall be the duty of every justice upon his own knowledge, or upon the affidavit of any person, that an offense under this section has been committed, to issue a warrant for the arrest of the offender. § 3949. Under Ch. 193 proceedings may be had for summoning a jury and witnesses, and an **inquest**

may be held as well on Sunday as any other day. § 5. Where a **court** is directed to be held, or any other proceeding directed by law to take place on a particular day of a month, if that day happen to be Sunday, the court shall be held or the proceeding take place on the next day. And where a law authorizes a court, or the proceedings of an officer, to be adjourned from day to day, an adjournment from Saturday to Monday shall be legal. [Decisions. Offense of violating Sabbath law punishable by a small fine, triable without a **jury**. The fine prescribed for the violation of the Sabbath law is recoverable before a justice by a civil warrant. Ex parte Marx, 9 Southeastern Reporter, 475.]

WASHINGTON.—§ 865. If any person be found on the first day of the week, commonly called Sunday, engaged in any riot, **fighting** or offering to fight, **horse racing** or **dancing**, whereby any worshiping assembly or private family are **disturbed**, every person so offending shall, on conviction, be fined in the sum of not to exceed **\$100**, to be recovered before any justice of the peace in the county where such offense is committed, and shall be committed to the jail of said county until the said fine, together with the costs of prosecution, shall be paid. § 1266. No person shall keep open any playhouse, **theatre**, **race ground**, **cock pit** or play at any **game of chance** for gain, or engage in any **noisy amusements**, or **keep open** any drinking or billiard saloon, or sell or dispose of any intoxicating **liquors**, as a beverage, on the first day of the week, commonly called Sunday. § 1267. No judicial business shall be transacted by any **court**, except the deliberations of a jury, who have received a case on a week day, so called, and who receive further instructions from the court at their request, or deliver their verdict, nor any civil process be served by certifying or attesting officer, or any record made by the legally appointed or elected officer upon the day of the week commonly called

Sunday; provided, that criminal **process** may issue for the apprehension of any person charged with crime, and criminal examination be proceeded with. Writs of arrest, attachment and injunctions may issue and be served on Sunday in all cases in which the said writs might have been issued and served under the provisions of the Civil Code, the Justices' Practice Act, and the Probate Practice Act. § 1268. Any person violating any of the provisions of the two preceding sections of this act shall be punished, upon conviction thereof, by a fine of not less than \$30 or more than **\$250** for each offense. § 1266. All violations of the provisions of this title shall be triable in any court having jurisdiction thereof. § 1270. The person or persons found guilty of any offense specified in this title, shall be fined as aforesaid, to be paid to the treasurer of the county for the **benefit of common schools**, and the offender shall stand committed until the fine and costs are paid, or the same be commuted by confinement, at the rate of \$2 per day. § 2067. It shall be unlawful for any person or persons of this territory, to **open** on Sunday for the purposes of trade, or sale of goods, wares and merchandise, **any shop**, store or building, or place of business whatever: provided, that this chapter shall apply to hotels only in so far as the sale of intoxicating **liquors** is concerned, and shall not apply to **drug stores**, **livery stables** and **undertakers**. § 2068. Any person or persons violating the foregoing section shall be guilty of a misdemeanor and on conviction thereof be fined in any sum not less than \$25 nor more than **\$100**. § 2069. And it shall be the **duty of any and all public officers** of this territory, knowing of any violation of this chapter to **make complaint**, under oath, to the nearest justice of the peace from where the offense was committed. § 2070. Any public **officer who shall refuse** or willfully **neglect** to inform against and prosecute offenders against this chapter shall be deemed guilty of a misdemeanor, and on conviction shall

be punished by a fine of not less than \$25 nor more than **\$100**, and the court before which such officer shall be tried shall declare the office or appointment held by such officer vacant for the balance of his term. § 1743. A writ of **attachment** may be issued and executed on Sunday, if the plaintiff will show in his affidavit that the defendant is about to abscond on that day to the injury of the plaintiff.

WEST VIRGINIA.—Ch. 41. § 15. No civil **process** or order shall be executed on Sunday, except in cases of persons escaping from custody, or where it may be especially provided by law. Ch. 106. § 8. Such **attachment** may be issued or executed on Sunday if oath be made that the defendant is actually removing his effects on that day. Ch. 149. § 16. If a person on a Sabbath day, be found **laboring** at any trade or calling, or employ his minor children, apprentices, or servants in labor, except in household or other works of necessity or charity, he shall be fined not less than **\$5**. And every day any such minor child, or servant, or apprentice is so employed, shall constitute a distinct offense. And any person found **hunting**, shooting, or carrying firearms on the Sabbath day, shall be guilty of a misdemeanor, and fined not less than **\$5**. Ch. 149. § 17. No forfeiture shall be incurred under the preceding section for the transportation on Sunday of the **mail**, or of **passengers** and their baggage, or for running

**any railroad train or steamboat** on the Sabbath day, or for carrying firearms or shooting on that day, by any person having the right to do so under the laws of the United States or of this State; and no forfeiture for laboring on the Sabbath day shall be incurred under the said section, by any person who conscientiously believes that the **seventh day** of the week ought to be observed as a Sabbath and actually refrains from all secular business and labor on that day, provided he does not compel an apprentice or servant not of his belief to do secular work or business on Sunday, and does not on that day **disturb** any other person in his observance of the same. And **no contract** shall be deemed **void** because it is made on the Sabbath day. Ch. 154. § 11. Under Chapter 154, proceedings may had for summoning jury and witnesses, and an **inquest** may be held as well on Sunday, as on any other day. Ch. 149. § 16. If any person, having a State license to sell spirituous **liquors**, wine, porter, ale, beer or any other intoxicating drink, shall \* \* \* sell or give any intoxicating drink to any one on Sunday, he shall be guilty of a misdemeanor and fined not less than \$20 nor more than **\$100**. § 17. A sale of any such liquors or drink by one person for another shall in any prosecution for such sale, be taken and deemed as a sale by both, and both may be indicted and fined therefor, either jointly or separately.

## PETITION FOR AMENDMENT OF STATE SABBATH LAW.

To the State Senate of..... (Duplicate to House.)

The undersigned, adult residents of the city (or town) of..... hereby earnestly petition your honorable body to so amend our State laws with reference to the first day of the week, that, with the exception of works of real necessity and mercy, and private work by those who keep Saturday, all toil, and traffic and turmoil, whether by railroad or other corporations, or by individuals, shall be equitably forbidden and vigorously suppressed, and so our State enjoy the benefits of laws on this subject as good or better than the best.



## SABBATH LAWS OF WISCONSIN

WISCONSIN.—SEC. 4995. Any person who shall **keep open his shop**, warehouse or workhouse, or shall do any manner of **labor**, business or work, except only works of necessity and charity, or be present at any **dancing** or public **diversion**, show or entertainment, or take part in any sport, game or play, on the first day of the week, shall be punished by fine not exceeding **\$10**; and such day shall be understood to include the time between the **midnight** preceding and the **midnight** following the said day, and no civil **process** shall be served or executed on said day.

[DECISIONS: Gibbs & Sterrett Manufacturing Co. v. Brucker, III. U. S., 597; Taylor v. Young, 61 Wis., 314; Knox v. Clifford, 38 Wis., 651; Beeman v. Wessels, 19 N. W. Rep., 179. **Contracts** made on Sunday and valid in the State where made will be enforced by the courts of another State under whose laws they would be void. Swann v. Swann, 21 Fed. Rep., 289. Where a written lease is executed on Sunday and lessee enters into possession on that day, it is absolutely void and incapable of ratification. Vinz v. Beatty, 61 Wis., 645. Equity will perpetually restrain collection of an unjust judgment rendered in violation of a settlement made by the parties through bad faith of one of them, though such agreement was made on Sunday. Blakesley v. Johnson, 13 Wis., 530. This statute can be **violated but once on the same day** by the same person by doing work thereon, and but one penalty can be imposed. Friedeborn v. Commonwealth, 113 Pa. St., 242; 57 Am. Rep., 464. To charge an offense under this section the **complaint must show that the work done was not a work of necessity or charity**. Jensen v. State, 60 Wis., 577. In New York the rule is that the defendant must show that he is within the exception. Fleming v. People, 27 N. Y., 329; People v. Jefferson, 101 *id.*, 19. See note to Sec. 4596.]

§ 4596. Any person who conscientiously believes that the **seventh**, or any other **day** of the week ought to be observed as the Sabbath, and who actually refrains from secular business and labor on that day, may perform secular labor and business on the first day of the week, unless he shall wilfully **disturb** thereby some other person, or some religious assembly on said day. [DECISION. Party desiring to bring himself under the exception of this section has the burden of doing so. Troewert v. Decker, 51 Wis., 46. Complaint need not aver that defendant was not of the class described in this section. Deforth v. Wisconsin, etc., R.R. Co., 52 *id.*, 320.]

§ 1564. If any tavern keeper or other person shall sell, give away or barter any intoxicating **liquors** on the first day of the week, commonly called Sunday, or on the day of the annual town meeting or the annual Fall election, such tavern keeper or other person so offending shall be deemed guilty of a misdemeanor, and shall on conviction, be punished by a fine of not less than \$5 nor more than **\$25**, or by **imprisonment** in the county jail not to exceed thirty days, or by both such fine and imprisonment.

§ 4276. Any **notice**, advertisement, statement or publication required by law or the order of any **court**, to be printed or published in any **newspaper**, may be printed and published in a newspaper **printed on Sunday**, and such printing and publication shall be a lawful publication, and a full compliance with the order of the court or officer ordering such publication, the same to all intents and purposes as though the same had been printed and published in a newspaper printed on a secular day, and any such notice, advertisement, statement or publication that may by law, or the order of any court, be required to be published for any given number of weeks, may be published on

any day in each week of such term, and if so published as many weeks and as many times in each week as may be required by such law or order, the same shall be as lawful a publication thereof, and as full a compliance with the order of such court or officer, as if the same had been printed and published on the same day of each such week. § 4278. No person shall serve or execute any **civil process** from midnight preceding to midnight following the first day of the week, and any such service shall be void, and any person serving or executing any such process, shall be liable in damages to the party aggrieved, in like manner and to the same extent as if he had not had any such process.

WYOMING.—No Sabbath law. Repealed suddenly on the eve of Statehood. It will not be to the credit of woman suffrage if the only State which has it remains almost the only State without a Sabbath law.

ARIZONA. § 1. Every person who keeps open on Sunday, within the limits of any incorporated city in the Territory of Arizona, any store, workshop, bar, saloon, banking house or other place of business, for the purpose of transacting any business therein, is guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than fifty dollars, and not to exceed three hundred dollars, or shall be imprisoned in the county jail not less than ten days and not more than sixty days, or shall be subject to both such fine and imprisonment. § 2. The provisions of the preceding section do not apply to persons who on Sunday keep open hotels, boarding houses, barber shops, baths, markets, restaurants, livery stables, or retail drug stores for the legitimate business of each, or such manufacturing industries as are usually kept in continued operation. § 3. This act only applies to incorporated cities in the Territory of Arizona. § 4. This act shall take effect and be in force from and after its passage. (Enacted Mar. 30, 1889.)

#### RECENT DECISIONS IN PENN.

The case of *George R. Splane versus The Commonwealth*, was decided on January 3d, 1888, by the Supreme Court of Pennsylvania. George R. Splane had been convicted of selling soda water on Sunday in his drug store. The following opinion was filed by the Supreme Court: This being a certiorari, we have nothing to do but to examine the magistrate's record, and as we find it to be in all particulars regular, setting forth also, as it does, an offense clearly punishable under the Act of 1794 and its supplements, we must affirm the judgment. We may add, however, that we concur in the opinion of the Court below. Few acts upon our statute books are of more importance to the welfare of the good citizens of this Commonwealth than the Act of 1794. The weekly day of rest is, from a mere physical and political standpoint, of infinitely greater value than is ordinarily supposed, since it not only affords a healthful relaxation to persons in every position of life, but throws a strong barrier in the way of the degradation and oppression of the laboring classes, who, of all others, need this ever-recurring day of rest and relief from weekly toil. It is therefore neither harsh nor unjust that men of capital should be required to obey those statutes which have been wisely ordained for the protection of the Sabbath.

In the case of *Friedeborn versus The Commonwealth* (Vol. 113, Pennsylvania State Reports, page 244) Chief Justice Gordon, delivering the opinion of the Supreme Court of Pennsylvania on October 4th, 1886, says: "There are but few of our statutes which, in principle, are of more importance than the Act of the 22d of April, 1794, commonly called the "Sunday Act," in that it recognizes the first day of the week as a Sabbath of rest for the well disposed and religious people of our Commonwealth, and we can entertain but little respect for those who wilfully and persistently violate its prescriptions. Against all such its penalty should be enforced until they are taught that a respect for its provisions may at least be profitable from a pecuniary point of view.

## DEFECTS OF U. S. SABBATH LAWS.

There is no **Sabbath law** in Alaska, Arizona, California, D. C. and Idaho. All defects alleged of other States and Territories are true in larger measure of these, as far as statutes are concerned. ("Sunday closing" of saloons is accomplished locally in Washington City and in some few cities in California by city ordinances.)

Connecticut, New Mexico and Vermont by statute, Georgia, Texas and Virginia indirectly, cut down the Sabbath to **less than 24 hours**. In Texas this is done for the sake of the saloons, by city charters, and in Connecticut, Georgia and Virginia for the sake of the railroads. When Vermont realizes that a circus or theatre is legal on Sabbath evenings, its absurd "sunset law" will disappear.

"**Labor**" is not forbidden in Montana, Nevada and Washington, nor "**business**" in Colorado and Illinois, a defect which in the latter case has drawn out the protest of the Chicago clerks. The "**opening**" of **places of business** is not forbidden, but only actual traffic (which is hard to prove and costly), in Connecticut, Iowa, Kansas, Kentucky, Louisiana, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota and Vermont. (Not only selling but buying also is wisely forbidden in Iowa and New Mexico.)

The **Saturday keepers** have no exception in the laws of Colorado, Delaware, Florida, Georgia, Maine, Maryland, Nevada, Montana, New Hampshire, New Mexico, Pennsylvania, Vermont, Washington,

The exceptions for them are made without due regard to the rights of the majority in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, New York, North Dakota, Ohio, South Dakota. (The only States that have just and practicable ex-

ceptions on this point are Arkansas and New Jersey.)

Every State is deficient in failing to protect **druggists** against needless toil and temptation to break the law by limiting their Sunday opening, as in Canada, to an hour or two.

The only State that sanctions Sunday **contracts** by statute is West Virginia. Negotiable paper is so sanctioned by Maine

The "**opening**" of **rooms where liquors are commonly sold** is not forbidden, but only the sale or exposure to sale (which is hard and costly to prove), in Delaware, Indiana, Louisiana (exception for "table wines"), Nebraska, New Mexico, New York, North Carolina, Pennsylvania, West Virginia. Liquors are forbidden only inferentially as "labor" or "business" in Alabama, Colorado, Florida, Montana, Nevada and Texas do not even thus forbid them. All the States except Rhode Island and Massachusetts allow saloons to hide their secret sales by screens.

**Amusements** (more universally forbidden than anything else—Massachusetts, Michigan, Minnesota, New Mexico, wisely forbidding the attending as well as giving of entertainments, and Colorado and Utah including every gathering where admittance fee is charged; Ohio forbidding and no State permitting baseball) Massachusetts unwisely allows when license can be had, and permits also by the smallness of the fine, namely "\$5." Buffalo Bill got the license, but otherwise could have afforded the penalty.

Except New York, all the States are deficient in laws regulating **Sunday processions**.

Except Arkansas, Delaware, Indiana, Iowa, and Maine, the States legally sanction needless Sunday labor in trade or transportation or both. The States that permit transportation companies to work



their employees on the Sabbath substantially as on other days, are: Alabama, Illinois, Massachusetts, Mississippi, Nebraska, Texas, Virginia, West Virginia, New York. Those that specifically permit some railroad work but not all, are: New Jersey, North Carolina, South Carolina, Vermont. The only States that specifically permit street cars are Kansas, Louisiana, and Massachusetts. Vessels are permitted to keep at work in Arkansas, Louisiana, Massachusetts, Texas, West Virginia.

The *manufacture* of **newspapers** on the Sabbath is allowed in Louisiana, Massachusetts, their *sale* only in Minnesota, New York, Texas,

Legal notices in Sunday papers are legalized only in New Jersey and Wisconsin. (Suppose a divorce notice thus escapes the eye of a wife too conscientious to read a Sunday paper, and she is the person chiefly interested in a wrong about to be perpetrated.)

**Barbers** are excepted from those who may rest on the Sabbath in New Mexico, Oregon, Texas; **tobacconists** in Minnesota, and New York; **confectioners** in Minnesota, New York; **provision dealers** (butchers, bakers, grocers) in Louisiana, Kansas, Massachusetts, Minnesota, New Hampshire, Texas,

and **telegraphers** in Louisiana, Massachusetts; and **ice dealers** in Louisiana, Maryland, Texas,

**bath house keepers** in Louisiana, Massachusetts, Texas, Utah; **livery men** in Louisiana, Massachusetts, New Mexico, Oregon, Texas, Utah, Washington,

**"sacred concert" performers** in Massachusetts, Michigan; **butter and cheese makers** in Massachusetts, only; booksellers, actors, keepers of soda fountains and all amusement venders in Louisiana only.

By applying the law only to **those above 14 or 15** in Indiana, Nebraska, New Jersey, Ohio, South Carolina, a dangerous opportunity is left for increasing the wrong of child labor.

The States whose minimum and maximum **penalties** are absurdly small

fines are: North Dakota, South Dakota, Iowa, Minnesota, Nebraska, New Jersey, North Carolina, South Carolina, Tennessee, Vermont. The States whose highest penalty, even for repeated Sunday selling of liquors, does not permit either imprisonment or forfeiture of license for two years or more, are: Arkansas, Colorado, Illinois, Mississippi, South Carolina. Those that permit but do not require imprisonment even after repeated offenses are: Alabama, Connecticut, Florida, Georgia, Indiana, Montana, New Hampshire, Nebraska, New Mexico, North Carolina, Ohio, Wisconsin, (Delaware, Maryland, Missouri, wisely specify that forfeiture of license shall be for one or two years, after repeated offenses, and Massachusetts and Michigan make forfeiture perpetual.) In Kentucky, New Jersey and New York a corrupt city official may restore a forfeited license next day.

States with various ambiguous, and so dangerous, exceptions and provisions, are: Florida, Kansas, Massachusetts, Minnesota, Mississippi, New Hampshire, New Mexico, Virginia.

The tribes in the Indian Territory have Sabbath laws that should put to shame the States and Territories that have no such laws, or worse than none. As a sample we give that of the Cherokee Nation, abridged: "Every merchant, mechanic, artist, or other person, who shall **keep open his store**, warehouse, shop, workhouse, or other place of business, or shall engage on Sunday in any manner of work, **labor**, or business, except only works of necessity and charity, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, be fined in any sum not exceeding **\$50**."

§ 77. One-half of all fines shall be paid to the solicitor and sheriff; provided, that the keeping open of **apothecary** shops and the preparation and sale of medicines on Sundays, for immediate use, shall not be deemed a violation of the provisions of this act.



[Form of City or Town Petition for the Enforcement of Sabbath Laws.]

**To the Executive Officers of the City (or Town) of** .....

The undersigned, your constituents, call your attention to the fact that the State laws, enacted for our protection against Sunday toil and traffic and turmoil, are notoriously violated, and we call upon you to enforce these laws, assuring you of our hearty support in this performance of your sacred oath.

NAMES.	RESIDENCES.
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[Form of Petition, when Efforts are made to Weaken the State Sabbath Laws.]

**To the State Senate of** ..... (Duplicate to House.)

The undersigned, citizens of the town or city of ..... respectfully represent that great advantages have accrued to the public and private interests of the people of this State, from the operation of the laws upon our statute books in relation to the observance of the first day of the week, and they therefore pray your honorable body that no act be passed that will in any way impair the efficiency of the laws which now secure to the toiler his needed weekly rest.

NAMES.	OCCUPATIONS.
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[Form of Petition for Amendment of State Sabbath Laws.]

**To the State Senate of** ..... (Duplicate to House.)

The undersigned, adult residents of the city (or town) of ..... hereby earnestly petition your honorable body to so amend our State laws with reference to the first day of the week, that, with the exception of works of real necessity and mercy, and private work by those who keep Saturday, all toil, and traffic and turmoil, whether by railroad or other corporations, or by individuals, shall be equitably forbidden and vigorously suppressed, and so our State enjoy the benefits of laws on this subject as good or better than the best.

NAMES.	OCCUPATIONS.
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## DIFFICULTIES OF THE SATURDAY SABBATH THEORY.

By Rev. GEORGE ELLIOTT, Washington, D. C.

Probably no commentator or expositor of Scripture would now claim that by the creative week we are to understand seven literal days of twenty-four hours each. So long ago as the time of Augustine, that great theologian declared these to be not literal but ineffable days.

Surely no advocate of the Saturday Sabbath understands by the declarations of Genesis that God literally rested on Saturday. Indeed, it is evident that by the resting of God we must understand something quite different from man resting. The whole account belongs rather to poetry than to history.

It follows, therefore, that to place literalism upon the ordinance of the Sabbath, when it is the type of something so mystical in meaning as the cosmogony of Genesis, is to be indeed enslaved to the letter.

There is no possible means of fixing the day of the original Sabbath. There is no certain preserved calendar of days and months and years. For the sake however, of any literalists who still believe that the work of creation began on Sunday eve and ended Friday at sunset, it may be suggested that the seventh day of creation was the first day of man's existence. If he began the calculation of the week from that day and kept the same Sabbath with his Maker, then the first day of the week and not the seventh was the primitive and patriarchal Sabbath. If a crude, bald literalism is to be the rule of interpretation, let us follow it boldly, no matter where it takes us.

It is very improbable that the primitive Sabbath was directly and regularly transmitted to the time of Moses. The calendar is not forthcoming. Until some brass tables forged by Tubal Cain have been found, or the very notches by which Noah cut the days of the week and kept track of them on the door-posts of the ark have been produced, we shall insist that the Mosaic Sabbath cannot possibly be identified with the Sabbath of creation.

The case is made still more difficult when we remember that the Hebrew monotheistic element begins with Abram of Chaldea. It is possible that he brought from Mesopotamia the division of the week and the tradition of the Sabbath.

In the Chaldean calendar, so far as we can certainly be acquainted with it, each month contains thirty days and was divided

into four weeks of seven days each, the last two days being regarded as intercalary. The first day of the week was therefore regularly the first day of the month. The fact that two extra days in each month were excluded from the computation of the week and regularly skipped makes it impossible that by this system of computation the exact recurring seventh day from the creation of man could not have been handed down to Abram. The Assyrian Sabbath, of which traces have been supposed to be found, occurred on the 7th, 14th, 21st, and 28th days of the month.

There is also a break between Abram and Moses. For several generations Israel was in bondage in Egypt, and, we must infer, without a Sabbath. The Egyptians had not the seven days, but observed a period of ten days. It is not likely that a servile tribe, without letters or culture, could have preserved unchanged for over four hundred years a week whose very existence was connected with a day of rest of which they had been deprived. Consequently we find, as might have been expected, that the Mosaic Sabbath is introduced as something new, at the giving of the manna, and is always spoken of as established in memory of the deliverance from Egypt.

These facts are quite sufficient to dispose of any pretense of observing the original day of the Sabbath. The Jewish Sabbath was a Sabbath for a people whose entire country was comprised within a single degree of longitude. It is very evident that a Sabbath which was adapted to such a people cannot literally be applied to our Christian dispensation, which ranges over the whole three hundred and sixty degrees of the earth's surface, and where the day consequently begins at very hour of the twenty-four, to say nothing of the polar regions, where the day is six months long and the inhabitants would have to wait seven years for any Sabbath which lasted from sunset to sunset.

We do not believe that there are any bits of glorified duration floating through time marked out from all other time. Time is sacred by its uses, and that time which we devote to a sacred use is made holy by such use. Time is an adjustment to our human weakness, a mode to our finite thinking, and while the law of the Sabbath is such that when manifested it must

make a special portion of time the material of which the Sabbath consists, yet its moral obligation is inherent in its moral meaning and not in its temporal garb of times and seasons. Yet without doubt the spiritual intent of the Sabbath will fail of full realization except all men unite upon one day. This one day we arrive at, not by a study of ancient calendars and chronology, but by consensus of the Christian Church, which has not been without defined guides and which has for the highest and holiest reasons fixed upon the Lord's Day as a day which for Christendom embodies within itself the perpetual obligation of the Sabbatic law.

Another difficulty is connected with our purely arbitrary use of our word "day." When does the day begin and end? Shall we define, as in the first chapter of Genesis, that the evening and morning make a Day, and therefore reckon from sunset to sunset, as did the Puritans? Or shall we keep the civil day from midnight to midnight?

Again, if we travel around the world to the westward we shall gain a day on the

sun. Two islands in the Pacific within a few hours' journey of each other, one settled by Seventh-Day Baptists and the other by orthodox, may easily be conceived as keeping, the one Saturday and the other Sunday, the same absolute period of time. Hence, Dr. Wallace, of Oxford, recommended Seventh Day Sabbatarians to make a voyage around the world, "going out of the Atlantic Ocean westward by the Straits of Magellan to the East Indies, and then from the east returning by the Cape of Good Hope homeward, and let them keep their Saturday Sabbath all the way. When they come home they will find their Saturday to fall on our Sunday, and they may thenceforth continue to observe their Saturday Sabbath on the same day with us."

Indeed, there is no end to complications and petty problems that may arise when we once begin to exalt the form over the substance. Reason and common sense refuse to be put in bondage to such a thought form as time. It is a return to the slavery of the letter which Christian freedom cannot tolerate.

### THE RELATION OF SUNDAY LAWS TO THE JEWS.

The courtesy with which Jewish papers have conducted the controversy against Sunday laws is in marked contrast with the discourtesy of the Seventh-Day Adventist organ. For American Hebrews the following extract from a letter by W. F. Crafts, in the *American Hebrew*, on the Sunday law proposed in the Sunday Rest Petition to Congress, is subjoined:

"What wrong or even hardship would such a law impose on the Jews, that their rabbis should join with liquor dealers and infidels and the lawless classes in opposing this petition, which has been indorsed by the great labor organizations of this country and by millions of good citizens of all creeds? Let us see. Jews in the mail and military service and in interstate commerce, under present arrangements, get neither Saturday nor Sunday for rest. There is no movement to get them Saturday. Surely it would be better for them to rest on Sunday than to have no rest day. The only Jews whose privileges this law could in the least abridge are the very few who are engaged in shop keeping in the District of Columbia and the Territories. "Private work" is to be allowed.\*

By police regulation and territorial laws, shops are usually closed already in the District and Territories. Were it not that the opening of Jewish stores seems to compel the opening of rival Gentile stores, so that the Sunday liberty of one becomes the Sunday slavery of all, we should not object to the few Jews who actually close Saturday, opening Sunday.

We believe Jews are settling this problem themselves, and will some day see that the Fourth Commandment only requires some uniform, fixed day of weekly rest, after six days of work, not after six days of the week. A leading rabbi of Brooklyn proposed that we should compromise on some day in the middle of the week. It is more consistent with the republican institutions that the minority, seven-tenths of one per cent., who keep the Saturday-Sabbath should transfer their observance to the American Sabbath. Certainly law abiding Jews should not seek to break down the institution, which, more than all others, has made America so free from the Anti-Semitism which flourishes in all countries except those that stop business one day in the week that the people may learn justice."

\* Both the Blair and the Breckinridge Sunday Rest Bill except Saturday keepers entirely from the operation of the law. See pp. 15, 122, 123.



## SENATOR BLAIR ON SEVENTH DAY ADVENTIST FALLACIES.

[FROM STENOGRAPHIC REPORT OF THE HEARING ON THE "SUNDAY REST BILL."]

Professor A. T. Jones, (Seventh-Day Adventist).—The principle upon which we stand is that civil government has nothing to do with religious observances. "Render unto Cæsar the things which are Cæsar's, and unto God the things that are God's."

Senator Blair.—If Cæsar is society and the Sabbath is required for the good of society, does not God require us to establish the Sabbath for the good of society, and if society makes a law accordingly is it not binding?

Mr. Jones.—It is the good of society to be Christian; it would be for the benefit of society.

Senator Blair.—Do you not confuse this matter? A thing may be required for the good of society, and for that very reason be in accordance with the will and the command of God. God uses his command for the good of society, does he not? God does not give us commands that have no relation to the good of society.

Mr. Jones.—I deny the right of any civil government to make any law respecting anything that pertains to man's relationship to his God under the first four of the Ten Commandments.

Senator Blair.—Then you assume that this bill and all Sunday laws concern only the relationship of man to God, and not the relation of men to each other?

Mr. Jones.—That is the principle by which other things come in.

Senator Blair.—Right there I found fault with your original proposition. You have got to establish before you can defeat the ground of Sunday laws, that Sunday laws are not for the good of Cæsar—that is, not for the good of society. \* \* \*

Senator Blair.—Now if the Sabbath is necessarily for the general good of society, a republican form of government must make and enforce the observance of the Sabbath just as the theocracy did. You seem to be laboring, as it strikes me, under the impression that a civil government for the good of the people, carried on by us under the republican form, cannot do anything that the theocratic form of government does when the theocratic is the only form. They necessarily cover the same subjects matter, the control, the development of the good and the health of society; it makes no difference which one or the other it may be. \* \* \* Have you ever known an instance, though the sentiment in favor of a Sabbath seems to be growing constantly stronger, where any State in this Union undertook to enact a law that anybody should go to church?—which is the danger you seem to apprehend.

Mr. Jones.—Not yet. They are now after the first law. This will lead to that.

Senator Blair.—Do you understand that it is the Church or the State that is making this law?

Mr. Jones.—It is the State that is doing it, just as Constantine did, to satisfy the Churches.

Senator Blair.—It may or may not satisfy the Churches. The Churches give their reasons here, which may be right or wrong, for the establishment of the Sabbath; for this Sunday legislation in all the States. The State, the whole people, make the law. You say that the whole people shall not make a good law because the Churches ask for it. \* \* \*

Senator Blair.—You would abolish any Sabbath in human practice which shall be in the form of law unless the individual here and there sees fit to observe it?

Mr. Jones.—Certainly; that is a matter between man and his God.

Senator Blair.—I have been all through this that the working people go through. I have been hungry when a boy. The first thing I can remember about was being hungry. I know how the working people feel. I have tugged along through the week and been tired out Saturday night, and I have been where I would have been compelled to work until the next Monday morning if there had been no law against it. I would not have had any chance to get that twenty-four hours' rest if the Sunday law had not given it to me. It was a civil law under which I got it. The masses of the working people in this country would never get that twenty-four hours' rest if there had not been a law of the land that gave it to us. There is that practical fact, and we are fighting with that state of things; the tired and hungry man, woman and child all over this country who wants a chance to lie down and rest for twenty-four hours out of the whole seven days. \* \* \* Abolish the law of rest, take it away from the working people, and leave corporations, and employers, and saloon-keepers, and everybody at perfect liberty to destroy that twenty-four hours of rest, and lawgivers and lawmakers will find out whether or not the people want it, and whether they want those lawmakers. \* \* \* Certainly the hard working man needs rest, and the preachers, church members, and millionaires may do as they please. \* \* \*

*The bill is simply an act proposing to make efficient the Sunday rest laws of the States, and nothing else.*



## THE NEW BLAIR SUNDAY REST BILL.

IN THE SENATE OF THE UNITED STATES.  
DECEMBER 9, 1889.

Mr. Blair introduced the following bill, which was read twice and referred to the Committee on Education and Labor.

A Bill to secure to the people the privileges of rest and of religious worship, free from disturbance by others, on the first day of the week.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person or corporation, or agent, servant or employee of any person or corporation, or in the service of the United States in time of peace, except in the necessary enforcement of the laws, shall perform, or authorize to be performed, any secular work, labor, or business to the disturbance of others, works of necessity and mercy and humanity excepted; nor shall any person engage in any play, game, or amusement or recreation to the disturbance of others on the first day of the week, commonly known as Sunday, or during any part thereof, in any territory, district, vessel, or place subject to the exclusive jurisdiction of the United States; nor shall it be lawful for any person or corporation to receive pay for labor or service performed or rendered in violation of this section.

Sec. 2. That no mails or mail matter shall hereafter be transported in time of peace over any land postal route, nor shall any mail matter be collected, assorted, handled, or delivered during any part of the first day of the week, provided, that whenever any letter shall relate to a work of necessity or mercy, or shall concern the health, life or decrease of any person, and the fact shall be plainly stated upon the face of the envelope containing the same, the Postmaster General shall provide for the transportation of such letter or letters in packages separate from other mail matter, and shall make regulations for the delivery thereof, the same having been received at its place of destination before the said first day of the week, during such limited portion of the day as shall best suit the public convenience and least interfere with the due observance of the day as one of worship and rest; and provided further, that when there shall have been an interruption in the due and regular transmission of the mails, it shall be lawful to so far examine the same when delivered as to ascertain if there be such matter therein for lawful delivery on the first day of the week.

Sec. 3. That the prosecution of commerce between the States, and with the Indian tribes, the same not being work of necessity, mercy or humanity, by the transportation of persons or property by

land or water in such a way as to interfere with or disturb the people in the enjoyment of the first day of the week, or any portion thereof, as a day of rest from labor, the same not being labor of necessity, mercy, or humanity, or its observance as a day of religious worship, is hereby prohibited, and any person or corporation, or the agent, servant or employee of any person or corporation, who shall willfully violate this section shall be punished by a fine of not less than ten nor more than one thousand dollars, and no service performed in the prosecution of such prohibited commerce shall be lawful, nor shall any compensation be recoverable or be paid for the same.

Sec. 4. That all military and naval drills, musters and parades, not in the time of active service or immediate preparation therefor, of soldiers, sailors, marines or cadets of the United States on the first day of the week, except assemblies for the due and orderly observance of religious worship, are hereby prohibited, nor shall any unnecessary labor be performed or permitted in the military or naval service of the United States on the first day of the week.

Sec. 5. That it shall be unlawful to pay or to receive payment or wages in any manner for service rendered or for labor performed, or for the transportation of persons or of property in violation of the provisions of this act, nor shall any action lie for the recovery thereof, and when so paid, whether in advance or otherwise, the same may be recovered back by whoever shall first sue for the same.

Sec. 6. That labor or service performed and rendered on the first day of the week, in consequence of accident, disaster, or unavoidable delay in making the regular connections upon postal routes and routes of travel and transportation, the preservation of perishable and exposed property and the regular and necessary transportation and delivery of articles of food in condition for healthy use, and such transportation for short distance from one State, district or Territory into another State, district or Territory as by local laws shall be declared to be necessary for the public good, shall not be deemed violations of this act, nor shall the provisions of this act be construed to prohibit or to sanction labor on Sunday by individuals who conscientiously believe in and observe any other day than Sunday as the Sabbath or a day of religious worship, provided such labor be not done to the disturbance of others.

[Form of Petition.]

*To the United States Senate: (Duplicate to House.)*

The undersigned organizations, and adult residents (21 years of age or more) of the United States, hereby earnestly petition your honorable body to pass the Blair Sunday Rest Bill.

(SABBATH)

(DESTROYED.)

## THE AMERICAN CONSTITUTION MUST BE PRESERVED.

(SATURDAY SABBATH)

"Every man who conducts himself as a good citizen is accountable alone to God for his religious faith, and should be protected in worshipping God according to the dictates of his own conscience."—*George Washington.*

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."—*U. S. Constitution.*

"My kingdom is not of this world." "Render therefore unto Cæsar the things which are Cæsar's; and unto God the things that are God's."—*Jesus Christ.*

### THE SEVENTH-DAY ADVENTIST PETITION TO CONGRESS.

In opposition to the great petition for a National Sunday Rest Law, the Seventh Day Adventists are circulating a counter-petition, which, in some cases, has deceived the very elect. The Petition in duplicate to the United States Senate and House of Representatives, is as follows:

"We, the undersigned, adult residents of the United States, 21 years of age or more, hereby respectfully but earnestly petition your Honorable body not to pass any bill in regard to the observance of the Sabbath, or Lord's Day, or any other religious or ecclesiastical institution or rite; nor to favor in any way the adoption of any resolution for the amendment of the National Constitution that would in any way give preference to the principles of any one religion above another, or that will in any way sanction legislation upon the subject of religion, but that the total separation between Religion and the State, assured by our National Constitution as it now is, may forever remain as our fathers established it."

Our own original petition, which called forth the above counter-petition, is as follows:

"The undersigned adult residents of the United States, 21 years of age or more, hereby earnestly petition your honorable body to pass a bill, forbidding, in the United States Mail and Military service and in interstate commerce, and in the District of Columbia and the Territories, all Sunday traffic and work, except works of real necessity and mercy, and such private work by those who observe another day as will neither interfere with the general rest nor with public worship."

Certainly it would take more than an ordinary microscope to find in the petition just given, the conspiracies against American principles which the counter-petition first quoted leads its readers to expect.

The counter-petition is not technically a falsehood, but it is certainly calculated to give the false impression (which, on the lips of some who circulate this counter-petition, becomes more than implication), that the petition which millions of us have been urging before Congress, includes a proposition to enforce "Sabbath observance" as a "religious or ecclesiastical institution or rite," and also a proposition to weaken the present guarantees of our Constitution against a union of Church and State! Both of these implications are absurdly false. Our petition is headed: "For a Sunday Rest Bill,"

and simply asks a law to protect the people in their right to a weekly day of rest, without requiring of any one a religious observance of the day, and without hindering those who observe another day from either worshipping on that day or working on the first day of the week—unless the work be of such a nature, shop-keeping for instance, as will interfere with the general rest. There are enough forms of "private work" that are generally permitted on the Sabbath to save any one from disobeying the command, "six days shalt thou labor."

Out of the millions who have petitioned for a National Sabbath Rest Law, only a few thousand have asked for the original "Blair Sunday Rest Bill." But even that Bill for months has not been opened to a single one of the charges made by implication against it in the counter-petition. The Bill, as originally presented, contained in the title and in the closing sentence an intimation that the law was intended, secondarily, to "promote the religious observance of the day,"\* but the wording of the Bill itself showed that this was to be done, not by compelling any one to attend church or to abstain from doing so on any day, nor by forbidding any one to engage in work or recreation of a private character on the first day of the week, but only by giving *opportunity* for the culture of conscience on the part of those who desired it through the general suspension of public business. But it was stated in the presence of the champions of the Saturday Sabbath at the time of the Washington Convention and Hearing, that the word "promote" in this connection would be changed by the author of the Bill, to "protect," so that public worship, so far as that Bill is concerned, would simply have that *protection* which any legitimate institution of the American people is entitled to on any day.

Except these brief references, the original "Blair Sunday Rest Bill" was entirely occupied with provisions for "Sunday Rest."

\*The title of the new Blair Sunday Rest Bill of the 51st Congress is: "A bill to secure to the people the privileges of rest and religious worship, free from disturbance by others, on the first day of the week."

The new bill also makes the following exception for those who observe Saturday, "Nor shall the provisions of this act be construed to prohibit or to sanction labor on Sunday by individuals who conscientiously believe in and observe any other day than Sunday as the Sabbath or a day of religious worship, provided such labor be not done to the disturbance of others."



The Bill introduced no new principle of legislation. It was simply a supplement to the State Sabbath laws: first, to stop the breaking of those laws, and the Constitution itself, by Congress, through the Sunday work it requires in the various States in the Mail and Military Service; secondly, to give to those working in these departments, and in interstate commerce, and in the Territories, and in the District of Columbia, who are beyond the control of State laws, the same protection in the matter of their rights of conscience and their right to the weekly rest that is given to nearly all our people by the Sabbath laws of the States.

Where, then, does the counter-petition find its ground for the implication, that there is in this measure a weakening of the American guarantees against a union of Church and the State? We answer, By the very ingenious, but not ingenuous, device of treating *two distinct measures* that were before the last Congress as if they were one; by making one petition against both, instead of two separate petitions, which is the only honest method of getting the real sense of the people in regard to them. These two measures happened to come, both of them, from Senator Blair, who wrote one in behalf of one group of persons, and the other in behalf of another and much larger group. It would be quite as fair to group the non-partisan Educational Bill of the same Senator with the most extreme Republican bill he has ever favored, in order to get signatures against the Educational Bill from those who were only opposed to his Republican measure.

It will surprise those officers and members of evangelical churches who have hastily signed the counter-petition, not because they are opposed to Sabbath laws, but because they dislike the union of Church and State, to know that the proposed Constitutional Amendment offered by Senator Blair, which is attacked in this counter-petition, so far from weakening the present attitude of the Constitution in this matter, is a measure to *strengthen it*. At present only "*Congress*" is forbidden to set up "an establishment of religion." Senator Blair proposes to forbid *state legislatures* also to do this, as there is at present nothing to prevent Utah, when it becomes a State, from establishing Mormonism, or New Mexico, Catholicism, or Wyoming, Presbyterianism.

But a minor provision in this Amendment—the proposition that the public schools shall "teach the principles of the Christian religion," by which is meant *Christian morality*, that is, morality with God and the Bible behind it, which, it is claimed, is a necessity of life in a republic, and which the friends of the Amendment declare can be taught without sectarianism, recognizing

only the preference which the Government has shown from the first for Christian morality over Mormonism or Mohammedanism; recognizing "the Christian religion" only as the government has always recognized it, by its chaplaincies, its oaths, its thanksgiving days—this provision of the amendment has many opposers, even among evangelical Christians; and the shrewd originators of this counter-petition, perceiving that there is by no means a sufficient number opposed to Sabbath laws, counting liquor sellers, infidels and Sunday newspapers, with the little contingent of Saturday worshippers (who form seven-tenths of one per cent. of the population) to defeat the great Sunday Rest Petition, which has been indorsed by the chief labor organizations, and by nearly all denominations of Christians, have so *extended their petition as to get signatures on the same document from those who are opposed to all Sabbath laws, and also from friends of the Sabbath who are only opposed to the attempt to teach Christian morals in public schools, or to a union of Church and State.*

Not content with this, those who are urging this counter-petition by voice and pen, attempt to enlist yet others in their motley army, by declaring what is as ridiculous as it is false, that the Sunday Rest movement is only a preparatory step to a further measure *compelling everybody to attend church on the first day of the week.*

Many others are induced to sign the counter-petition out of hostility to Roman Catholicism. The promoters of this counter-petition, in their official publications, in public addresses, and through their assistants, most violently assert that the Sabbath Rest movement is *a scheme in the interest of the papacy*, alleging as conclusive proof the fact that it has been indorsed by Cardinal Gibbons. This endorsement was given after millions of Protestants had indorsed it, and at my own solicitation. To be consistent, the counter-petition should oppose the Labor movement and Total Abstinence movement in its manifold platform, on the ground that the Cardinal has indorsed both of these movements also.

The fundamental error of the chief promoter of this petition, is that he overlooks or ignores the fact that the same subject may have both a religious and a civil aspect, the one to be guarded by the Church, the other by the State. If legislatures have nothing to do with the Commandment, "Remember the Sabbath Day to keep it *holy*," they have to do with man's duties to his fellows, and it is only with these human relations, as they relate to "the general welfare," that American Sabbath laws of to day have to do.



*To the Signers of the Seventh Day Adventist Petition to Congress.*

Your name appears on the petition to Congress opposing legislation on "Sabbath observance" and many other matters as given on page 123. This petition is verbally claimed to be in opposition to another petition (given below it), some of whose signers declare they could also sign the petition you have indorsed if it is to be understood exactly as it reads. The petition which you have signed refers to a "bill" and also to an "amendment," two distinct measures that were before the last Congress, each of which has many subordinate propositions, and to some other matters not included in either measure.\* We are, therefore, in doubt whether you are against some one of the many things named in the petition, or against them all. Hence, these inquiries:

*First.* You ask Congress "not to pass any bill in regard to the observance of the Sabbath or Lord's Day, or any other religious or ecclesiastical institution or rite." Do you wish to be considered as also opposed to the "Sunday Rest Petition," which only asks Congress to give those under its jurisdiction the same protection against Sunday toil and traffic and turmoil as is generally enjoyed by those who are under the jurisdiction of State legislatures.

Answer: -----

*Second.* Our petition, you will observe, makes no reference to the original Blair Sunday Rest Bill, which may be what you wished to oppose. If so, do you object also to the new Blair Sunday Rest Bill (see p. 122) of the present Congress?

Answer: -----

*Third.* Do you object to giving Sunday rest to the Soldiers and Marines in the United States Army and Navy—thus completing and making permanent by law

\* This Seventh Day Adventist petition is like a Maypole—it provides strings to catch "all sorts and conditions of men." To the Catholic who would not sign a plain petition against Sunday laws, especially would not oppose what his Cardinal had approved, they reach out the string about religion in the schools; to the Protestants, the string about Church and State; to the Southern conservative, the string about keeping the Constitution as it is; and so all these dance round the disguised Maypole together, unconscious that they are being counted not alone against the things to which their attention was called, but against the civil Sabbath also and especially.

Those who discover that their signatures have been obtained under false pretenses should so write, asking that they be allowed to have their names withdrawn from the petition, or asking that their indorsement be considered only as against enforcing the religious observance of the Sabbath, not as against Sunday Rest Laws for workmen.

what the President has done in this matter by proclamation?

Answer: -----

*Fourth.* Do you object to giving to Post Office employees the same protection against needless Sunday work that is given to other Government employees and to employees generally, thus completing and making permanent by law what the Postmaster General has done in this matter?

Answer: -----

*Fifth.* Do you object to making permanent by law, the reductions of Sunday work recently made by many railroad corporations, and completing these reforms by removing what railroad presidents declare to be the chief obstacle to complete suspension of Sunday trains, namely, competition, by stopping all Sunday work in interstate commerce that is not work of necessity or mercy?

Answer: -----

*Sixth.* Do you object to giving a Rest Day to the People of the District of Columbia, whose Commissioners have recently said that it has no valid Sunday law, not even enough to stop servile labor on that day; which is, therefore, to be classified with those Frenchy and frontier parts of the civilized world having no Sunday law? Do you object to the enactment by Congress of as good a "Sunday Rest Law" for the Capital as can be found in the statutes of any State, in accordance with the desire of the Commissioners, approved by the President\*?

Answer: -----

\* Extract from Report of Commissioners of the District of Columbia to 51st Congress: "The Commissioners recently had occasion to pass upon the complaint of a citizen that the work of constructing a street railway was prosecuted on Sunday. An examination of the statutes failed to disclose any existing general law prohibiting such employment. The Commissioners believe that secular employments should not be allowed on Sunday, and they recommend the enactment of a law in accordance with that sentiment." President Harrison expressed specific and emphatic approval of the above proposition to a committee of the American Sabbath Union, and refers to it and kindred matters in the following paragraph of his message: "The interests of the people of the District of Columbia should not be lost sight of in the pressure for consideration of measures affecting the whole country. Having no Legislature of its own, either municipal or general, its people must look to Congress for the regulation of all those concerns that, in the States, are the subject of local interest. Our whole people have an interest that the National Capital should be made attractive and beautiful, above all, that its repute for social order should be well sustained."

*Seventh.* Or is it the enforcement by law of a religious observance of Sunday that you oppose?

Answer: .....

*Eighth.* Are you opposed to a purely civil law stopping toil and traffic and turmoil

Please sign as indicated below and return to,

Yours, respectfully,

WILBUR F. CRAFTS,

74 E. 90th Street, New York City.

*Memorial to the United States Senate:* The undersigned indorsed a Seventh Day Adventist petition asking Congress not to pass any bill in regard to the observance of the Sabbath, etc., etc., under misapprehension, and wishes to withdraw his indorsement and transfer it to the Sunday Rest Petition of the American Sabbath Union and the Woman's Christian Temperance Union.

NAMES.

RESIDENCES.

.....

.....

.....

.....

*Memorial to House of Representatives of the U. S.:* The undersigned indorsed a Seventh Day Adventist petition asking Congress not to pass any bill in regard to the observance of the Sabbath, etc., etc., under misapprehension, and wishes to withdraw his indorsement and transfer it to the Sunday Rest Petition of the American Sabbath Union and the Woman's Christian Temperance Union.

NAMES.

RESIDENCES.

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The author of this book personally examined the bushel of petitions gathered by Seventh-day Adventists in Michigan, after they were received by the House of Representatives. 1. He found many petitions which could not be tested because there was no indication as to what city or town they came from. 2. In repeated instances whole rows of names were in one handwriting, with no certificate that they had been authorized. 3. Of the few persons, selected at random, to whom the above letter was sent, six replied that they signed understandingly, and twenty-six signed the withdrawal, saying that they had been deceived.

The deceptions practiced by the Seventh-day Adventists in Los Angeles, described on page 18, were duplicated afterwards in the City of Washington, where they announced a meeting to discuss the proposed Sunday law for the District of Columbia, giving no clue to the fact that the meeting was in opposition to it, so taking advantage of the advertising of the American Sabbath Union for a convention later in the same week, for which it was easily mistaken. Commissioner Douglass, who had asked Congress for the Sunday law for the Capital, was even invited by the Adventists to preside at their meeting, and was on the point of consenting, under the impression it was a meeting to help in securing the law, when a casual remark, "there may be *some* speaking on the other side," roused his suspicions and saved him from being tricked. As a matter of fact there was more than "*some* speaking on the other side." The meeting was advertised on the very day it occurred as an "impartial discussion," although not one who had any right to represent the friends of the bill had agreed to speak. The sectarian character of the Adventist management of the meeting was hidden under the *alias* "Religious Liberty Association." They also circulated a petition which made a brief reference to Sunday laws in its 20th and 21st lines, where few would read it, but was headed in capitals, "The American Constitution must be preserved," after which there were numerous deceiving quotations having no reference to Sunday laws, but only to enforcement of religion by law. The whole affair was the worst specimen of "low politics" that even Washington ever saw.

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IN THE SENATE OF THE UNITED STATES.

JANUARY 17, 1889.—Ordered to be printed.

SUNDAY REST BILL.

*Notes of a hearing before the Committee on Education and Labor, United States Senate, Thursday, December 13, 1888, on the bill (S. 2983) entitled "A bill to secure to the people the enjoyment of the first day of the week, commonly known as the Lord's day, as a day of rest, and to promote its observance as a day of religious worship."*

THURSDAY, December 13, 1888.

The committee met at 10 o'clock a. m. in the Senate reception room.

Present: Senators Blair (chairman), Palmer, Wilson, Call, and Payne.

There appeared before the committee Rev. Wilbur F. Crafts, of New York City; General A. S. Diven, of Elmira, N. Y.; Rev. F. W. Conrad, D. D., of Philadelphia, Pa.; Rev. Byron Sunderland, D. D., and Rev. George Elliott, of the city of Washington, a committee of the American Sabbath Union; and Mrs. J. C. Bateham, of Ohio, national superintendent of Sabbath Observance department of the Woman's Christian Temperance Union; Hon. G. P. Lord, of Illinois; Rev. T. P. Stevenson, D. D., of Philadelphia, corresponding secretary of the National Reform Association; Rev. A. H. Lewis, D. D., editor of the Outlook and Sabbath Quarterly; Prof. Herrick Johnson, D. D., of Chicago; Rev. C. H. Payne, D. D., of New York; Prof. Alonzo T. Jones, of Battle Creek College, Michigan; John B. Wolff, Prof. D. B. Wilson, D. D., of Pittsburgh; Rev. John N. Stearns, secretary of the National Temperance Society; Rev. C. R. Hunt, of Iowa; Rev. Stephen M. Haskell, of Massachusetts; John B. Wood, Louis Schade, and others.

The CHAIRMAN: The hearing is upon Senate bill No. 2983, which is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person, or corporation, or agent, servant, or employé of any person or corporation shall perform or authorize to be performed any secular work, labor, or business to the disturbance of others, works of necessity, and mercy, and humanity excepted; nor shall any person engage in any play, game, or amusement, or recreation to the disturbance of others on the first day of the week, commonly known as the Lord's day, or during any part thereof, in any Territory, district, vessel, or place subject to the exclusive jurisdiction of the United States; nor shall it be lawful for any person or corporation to receive pay for labor or service performed or rendered in violation of this section.*

SEC. 2. That no mails or mail matter shall hereafter be transported in time of peace over any land postal-route, nor shall any mail matter be collected, assorted, handled, or delivered during any part of the first day of the week: *Provided, That whenever any letter shall relate to a work of necessity or mercy, or shall concern the health, life, or decrease of any person, and the fact shall be plainly stated upon the face of the envelope containing the same, the Postmaster-General shall provide for the transportation of*



such letter or letters in packages separate from other mail matter and shall make regulations for the delivery thereof, the same having been received at its place of destination before the said first day of the week, during such limited portion of the day, as shall best suit the public convenience and least interfere with the due observance of the day as one of worship and rest: *And provided further*, That when there shall have been an interruption in the due and regular transmission of the mails it shall be lawful to so far examine the same when delivered as to ascertain if there be such matter therein for lawful delivery on the first day of the week.

SEC. 3. That the prosecution of commerce between the States and with the Indian tribes, the same not being work of necessity, mercy, or humanity, by the transportation of persons or property by land or water in such way as to interfere with or disturb the people in the enjoyment of the first day of the week, or any portion thereof, as a day of rest from labor, the same not being labor of necessity, mercy, or humanity, or its observance as a day of religious worship, is hereby prohibited, and any person or corporation, or the agent, servant, or employé of any person or corporation who shall willfully violate this section shall be punished by a fine of not less than ten nor more than one thousand dollars, and no service performed in the prosecution of such prohibited commerce shall be lawful, nor shall any compensation be recoverable or be paid for the same.

SEC. 4. That all military and naval drills, musters, and parades, not in time of active service or immediate preparation therefor, of soldiers, sailors, marines, or cadets of the United States on the first day of the week, except assemblies for the due and orderly observance of religious worship, are hereby prohibited, nor shall any unnecessary labor be performed or permitted in the military or naval service of the United States on the Lord's day.

SEC. 5. That it shall be unlawful to pay or to receive payment or wages in any manner for service rendered or for labor performed or for the transportation of persons or of property in violation of the provisions of this act, nor shall any action lie for the recovery thereof, and when so paid, whether in advance or otherwise, the same may be recovered back by whoever shall first sue for the same.

SEC. 6. That labor or service performed and rendered on the first day of the week in consequence of accident, disaster, or unavoidable delays in making the regular connections upon postal routes and routes of travel and transportation, the preservation of perishable and exposed property, and the regular and necessary transportation and delivery of articles of food in condition for healthy use, and such transportation for short distances from one State, district, or Territory into another State, district, or Territory as by local laws shall be declared to be necessary for the public good, shall not be deemed violations of this act, but the same shall be construed so far as possible to secure to the whole people rest from toil during the first day of the week, their mental and moral culture, and the religious observance of the Sabbath day.

The hearing will proceed in such order as the friends of the bill may desire.

#### STATEMENT OF REV. WILBUR F. CRAFTS.

MR. CRAFTS. I have been requested by the various societies petitioning for the passage of such a law as Senator Blair's bill is, in the main, to take charge of the hearing on their behalf. The Woman's Christian Temperance Union is first to be heard, after the introductory remarks; then the Illinois State Sabbath Association; then representatives of the American Sabbath Union; after that a representative of the National Reform Association; then a representative of the Lutherans; then of the Seventh Day Baptists.

I shall speak mostly by documents.

First, I wish to submit a portion of my former address to this committee, which is contained in Senate Miscellaneous Document No. 108, Fiftieth Congress, first session, in the record of the preliminary hearing granted to the petitioners for a Sunday Rest law.

The petitions were in triplicate. One, regarding Sunday mails, is addressed to Congress in these words:

We, the undersigned, citizens of the United States, hereby respectfully petition your honorable bodies to pass a law instructing the Postmaster-General to make no further contracts which shall include the carriage of the mails on the first day of the week, and to provide that hereafter no mail matter shall be collected or distributed on that day.



The second petition, regarding interstate Sunday trains, was addressed to Congress in these words:

We, the undersigned, citizens of the United States, respectfully petition your honorable bodies to forbid "interstate commerce" on the first day of the week by railroad trains.

The third, regarding Sunday parades, addressed as before, reads as follows:

We, the undersigned, citizens of the United States, respectfully petition your honorable bodies to forbid military drills, musters, and parades of United States cadets, soldiers, and marines on the first day of the week in times of peace, as interfering not only with the soldier's right to the day of rest, but also with his rights of conscience.

#### ADDRESS OF REV. WILBUR F. CRAFTS.

Mr. Chairman and Senators of the committee, we come not as Christians asking for a union of Church and State, but as American citizens, asking for the the perpetuation of one of our most important institutions, the American Sabbath, to whose protected rest and culture of conscience and hours for thought, we owe, more than to almost anything else, the fact that we are not, like France, a republic "good for this day only," lying uneasily in the crater of a not-extinct volcano.

The requirements of religion and the requirements of civil law sometimes coincide. For instance, both forbid murder and incest and thieving, and in most cases needless Sunday toil; but it has been well said that while religion forbids these things as sins against God, the civil law forbids them as crimes against man.

We come to you as a Committee on Education in behalf of what we call the workingman's college—the American Sabbath—without which the American voter would be incapable of self-government, like the adult infants of Continental despotisms, who are content to take amusement in place of liberty. The hours afforded to the workingman for thought by twenty-one years of quiet Sabbaths are equal to the study hours of a college course. In the reforms of illiteracy which this committee contemplates, the influence of quiet Sabbaths upon the diffusion of knowledge and of conscientiousness can not safely be ignored.

We come to you more especially as the Committee on Labor in behalf of a million and a quarter\* of our fellow-countrymen who are held in the Egyptian bondage of Sabbathless toil, chiefly through the influence of the Government—the post-office giving an example for the opening of other places of business on the street, and the mail train opening the way for the running of other Sunday trains.

Hon. Carroll D. Wright, in his report on Sunday work in Massachusetts a year or two since, showed from the stand-point of the very master of labor reform that it has no other department more important than this. He said to me yesterday, "No man likes to work on Sunday." He is now making investigations on a large scale in regard to railroad work, and especially in regard to the oppression of the health and consciences of the great army of workmen by needless Sunday toil. The eight-hour law for postmen—the measure which has already passed the House of Representatives and I suppose is now before the Senate, is not as important, though I indorse it, as this proposition for a six-day law for postmen. I believe they should have both, but a man can get more rest by having one whole day in every week to be with his family than by an equal reduction of labor scattered through the seven-day round of toil.

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\* A later document shows that this was an understatement.

William Black Steele, in the March number of the *North American Review*, shows that the holiday Sunday has more work than play. Recent investigations of the German Government, which had become alarmed at the increase of Sunday work, and was receiving protests from workmen, even from socialists, in regard to this alarming increase—these investigations have shown that even in the factories of Germany 57 per cent. of the employes work on Sunday, and 77 per cent. of those engaged in transportation and trade. It is this work-a-day Sunday which the continental governments are seeking to be rid of, against which we would have our Government take preventive measures, because it is easier to prevent than to repent. This movement is in harmony with the awakening American spirit, whose watchword is, "America for American institutions."

What we ask is that Congress (and here I state the whole proposition in brief) shall, as far as the national jurisdiction extends, first among the employes of the Government and then in the wider domain of interstate commerce, prohibit all needless Sunday work.

I wish to call attention to the fact that while Congress passes resolutions in favor of workmen, it is the very Pharaoh among employers. I do not know of any class of employes, except those in the postal service, who are worked from thirteen to sixteen hours a day. They have to leave their babies asleep in the morning and can not return until they are asleep at night, with night watching and Sunday work added to this heavy load. We had in New York what were called "the man-killer cars," the men being required on alternate weeks to work for seven days, eighteen hours per day, including the intervals for meals. Those hours have been cut down to twelve, leaving the Post-Office Department of the United States the dishonor of being the champion "man-killer."

I wish, first, to suggest some improvements in the postal laws, which I am sure you will think practical (as the Postmaster-General did in one case when I called upon him yesterday), hoping that they can be at once put into the pending eight-hour bill as amendments.

The changes I have to propose in the postal laws are based on correspondence with every State and Territory in the Union. Circulars were sent out three years ago, and again recently.

I believe I can show the committee, first of all, that the present postal laws leave too much to the discretion, or indiscretion, of the local postmaster; for instance in the matter of the Sunday opening of the post-office. I will read the national law in regard to the opening of post-offices on Sunday, that you may see how a coach-and-four or more could be driven through it. This is section 481 of the "Postal Laws and Regulations," which was presented to me yesterday by the Postmaster-General:

When the mail arrives on Sunday he [the postmaster] will keep his office open for one hour or more—

Twenty-four hours is "more," and some postmasters so interpret it—our own New York postmaster, for instance, and certain others—

After the arrival and assortment thereof, if the public convenience require it, for the delivery of the same only. If it be received during the time of public worship, the opening of the post-office will be delayed until services have closed. He need not open his office during the day of Sunday if no mails arrive after the closing of the office on Saturday and before 6 o'clock Sunday afternoon. While open, stamps may be sold to any one applying for them; but money-orders must not be issued nor paid, nor letters registered on that day. Delivery on Sunday must not be restricted to box holders, but made to all who call while the office is open:—



To show the actual interpretation of this loose law, let me tell you what are my reports from various parts of the country. I have letters from the Saint Louis postmaster, the Chicago postmaster, the New York postmaster, the Philadelphia postmaster, and also reports from four smaller cities and towns in most of the States.

Postmaster Pearson, of New York City, in a letter to me, dated April, 17, 1884, said :

One-half the entire clerical and carrier force of this office is on duty during a portion of each Sunday in alternate sections. The superintendents and other officers, myself included, being present during a part of every Sunday. At this office and its branches about 700 persons are employed during a portion of each Sunday. Practically, the general delivery of this office is never closed.

In a letter dated March 28, 1888, Postmaster Pearson says of the above:

The statements are still true, except that somewhat *less* than one-half the clerical force is employed on Sunday. The total number of clerks and carriers on duty on Sunday is, perhaps, about 800. All kinds of mail are delivered on call on Sundays. All second-class matter offered is received. Stamps are sold during limited hours at branch offices, and in limited quantities at *any* time at the general post-office.

Assistant Postmaster Henry Drake, of Philadelphia, in a letter to me, dated April 3, 1888, says:

There are employed in this office 995 persons. Of this number but 52 do not work on Sundays. Four hundred and thirty-eight work on certain Sundays, averaging, perhaps, one Sunday in three, the average time of work being six hours. Every class of mail matter, except money-order, registered, or special-delivery letters, is handled on Sunday. One of the general delivery windows is open the entire day, there being three windows usually from 9 a. m. to 10 p. m.

Postmaster Judd, of Chicago, in a letter to me dated March 31, 1888, says:

Only about 15 per cent of the clerks connected with this office are off duty on Sundays; that about 50 per cent. of the letter-carriers are off duty on that day, and the general-delivery clerks are on duty on said day from 10.30 a. m. to 1 p. m. All classes of mail matter, with the exception of registered mail, are delivered to those who may call between the hours of 11.30 a. m. and 12.30 p. m. Persons who have lock-boxes and drawers in this office can get their mail at any time on Sundays between the hours of 8 a. m. and 10 p. m., and the clerks in connection therewith are on duty Sundays from about 10 a. m. to 1 p. m.

[From another source we learn that Postmaster Judd has stopped the Sunday sale of stamps.]

Postmaster Riley, of Cincinnati, in a letter to me, dated April 4, 1888, states, in answer to questions, that of 301 employes only 14 never work on Sundays; that the box delivery and general delivery are open from 9.30 to 11 a. m.; that stamps are sold from 9.30 to 11 a. m., and from 6.30 to 7 p. m.; that "special-delivery letters are delivered"; that 25 mails are received on Sunday as against 64 on week days; that mail is not delivered at the branch offices, but only at the general office.

Postmaster Hyde, of Saint Louis, through Assistant Postmaster McHenry, in letter of March 30, 1888, informs me that of the 425 employes in that office, only the 12 in the money-order division never work on Sundays; that 190 carriers and 60 distributors average five hours of Sunday work; that general delivery and box delivery are open from 11.30 a. m. to 1 p. m.

The same contrasts that appear in these offices of the highest grade, my reports show in every other grade. One office opens once, for an hour only; another of the same grade opens twice, for two hours each time. One opens only before the hour of church; another, only during



the hour of church. One sells stamps; another of the same grade does not. One delivers special-carrier letters; another of the same grade does not. One works the employ  s an average of two hours; another of six.

The Postmaster-General agrees with me and says that it should not be possible for any postmaster in this country to run the United States post office as a rival and competitor and antagonist of the churches. The law allows the post-office to be kept open through the church hours, unless the first mail of the day comes during those hours. If it comes five minutes or more before the church service begins, the post-office can be run, and is run, in many cases, all through church hours as the rival and antagonist and the competitor of the churches. We do not believe in "*Church and State*," nor do we believe in *State against Church*.

A law forbidding the opening the United States post-office during the usual hours of public worship would remedy this difficulty, and would be better than nothing; but we desire more than this.

The law should also take from the local postmaster the power to keep his employ  s at work at such hours as would prevent them from going to church.

A new branch superintendent has been sent to one of the branch offices in New York City within a few weeks. The previous superintendent had left the employ  s free during the forenoon, so that those who wished were able to attend church, the afternoon being sufficient for the work to be done. The new superintendent, partly to be enterprising, partly because he thought the postmen would like to go on excursions on Sunday afternoons, though they had not said so, discriminates against the churches in favor of the Sunday picnics by transferring the Sunday work from the afternoon to the morning church hour—an instance of what is possible anywhere under our present loose law.

The discretion of the local postmaster is also too great in regard to the amount of Sunday work he can require of his employ  s. In some offices the amount is double and treble what it is in other offices of the same grade. If the selling of stamps on Sunday can be dispensed with in Chicago, it can be dispensed with everywhere. If special-delivery messengers can be allowed their Sunday rest in Philadelphia, why not in Cincinnati?

The sale of stamps on Sunday and the sending out of carriers with special-delivery letters and parcels (sec. 683) ought not to be left to the discretion or caprice of the local postmaster, but uniformly forbidden as needless Sunday work.

The individual postmaster now decides whether the special-delivery messenger, who works from 7 a. m. to 11 p. m. on week days, shall spend the same long hours on Sunday carrying parcels at 12 or 15 cents apiece, as an express for law-breaking merchants who keep at business on Sunday. When this practice has become common in one place it will soon become common in all, and when *special* delivery by carriers becomes common, *general* delivery by carriers on Sunday will follow almost as a matter of course. Workingmen and humanitarians in Europe are trying to stop carrier deliveries just when we are beginning to have them. Let us not do what we shall want to undo. It is easier to prevent than to repent.

Another point in which the local postmasters, in large cities at least, need restraint. The postmaster of a large city can send out Sunday mails on newspaper trains to scores of surrounding towns where the post-office employ  s have had Sunday rest, thus making more Sunday

work, not only in his own office but in many others. Postmaster Pearson has done this on his own responsibility, as he admits in a letter to me dated April 17, 1884. Doubtless other city postmasters have done the same. The law ought to be changed to make such increasing of Sunday work by local postmasters impossible.

No one defends the handling of business circulars and packages on the Sabbath so as to deprive men of their culture of conscience and their hours at home.

Some of the evils I have mentioned might be removed by such a law as is proposed in a "Report from the Select Committee on Sunday Postal Labor" presented to the House of Commons August 10, 1887. The committee was appointed because of the numerous petitions to Parliament against the growing evil of Sunday work in the postal service in England. The British have gone a little further than we have in Sunday postal work, and they are trying to get back. The report gives the remedies which the committee recommend :

(1) That the collection, dispatch, and the delivery on Sunday of books, circulars, and printed matter other than newspapers be discontinued.

(2) No man shall be on duty more than alternate Sundays. As in our country, some postmasters kept their men employed seven Sundays in eight and six Sundays in eight and three Sundays in eight, and there was no uniformity. The report also recommends that all the postal employés be relieved from work on alternate Sundays. There, as here, the work had been different in every office from every other, some employés working every Sunday, some seven Sundays out of eight, and some only one in two. The British Government steps in and says, "We are not going to have these distinctions made, not only between postal servants and other servants of Government, but between one post-office and another, and we say that the men must rest on alternate Sundays."

Another recommendation is, that the question whether the post-office of a town or city shall be open at all on Sunday shall be decided by local option.

A law covering the points I have already mentioned, it seems to me, would commend itself to every humane and just man; protecting the church services from post-office competition; protecting the employés from being kept at work at such hours as would keep them from church-going; reducing the Sunday work by stopping the handling of circulars and packages; insisting that all employés shall rest on alternate Sundays; and leaving it to every town to decide the question of opening the office on Sunday, which would cause a wholesome agitation everywhere of the question of Sunday mails, and so lead, we believe, to the entire cessation of Sunday postal work through a national law.

Now I come to the second division of my discussion of postal reforms, kindred to the first, but perhaps more radical. I believe *the law should restrict the autocratic power of the Postmaster-General*. The Post-Office Department of a republic should not be an autocracy. It is at present a monarchy, and not a limited monarchy.

In 1828 and 1829 there were 467 petitions from 21 States, asking for the cessation of all Sunday work in connection with the mails. ("Sabbath for Man," p. 272.) The predominating sentiment of the nation seemed to be in favor of this humane request. Christians desired the nation's example to be put on the side of Sabbath-keeping, and workmen desired the nation's example to be arrayed against needless Sunday work.



What is the answer which that army of petitioners got from the Postmaster-General, whose powers were then just about the same as now?

He replied in the spirit of a Russian autocrat and in the rhetoric of a western editor:

So long as the silver rivers flow and the green grass grows and the oceanic tides rise and fall on the first day of the week, so long shall the mails of the Republic be circulated on that day.

The whole history of the matter is in this book ("The Sabbath for Man," p. 271), which I shall present to each of the committee. The arguments then used against Sunday mails are most of them appropriate to-day.

Postmaster-General Jewell has the honor, or dishonor, of ordering a Sunday delivery by carriers in New York City. He was a Christian man, and thought he was only yielding to the pressure of public sentiment and the needs of the Nineteenth Century. One delivery was made. Postmen took letters for ministers to their pulpits, in the midst of their sermons, to show the barbarity of their new Sunday tasks. There swept down upon Washington such a storm of protests from the Christian business men of New York against this increase of Sunday postal work that before the second Sunday the order was repealed. Not long since Postmaster-General Vilas issued an order that letters and packages bearing special-delivery stamps should be delivered on Sundays as on other days. When a Sabbath Association secretary came to General Vilas expressing the protest of the Christians of Philadelphia against that order, he was answered, "What I have done, I have done;" and it was only by the aid of the President that the order was changed from a positive requirement that all postmasters in special-delivery offices should send out the special delivery messengers on Sunday to an absurd permission to each postmaster to do in the matter as he pleased, so that the question whether messengers on duty from 7 a. m. to 11 p. m. six days in the week shall be on duty for the same barbarous and absurd hours on Sunday also, in this age of the telegraph, is left to the caprice of each local postmaster.

What we want in this particular respect is a law that shall prohibit any delivery of mail on Sunday by carriers. It is bad enough to have the work done in the office, even with the limitations of which I have spoken, but we ask at least (and this is better than nothing) that the law shall protect us against the possibility of any Sunday delivery by any kind of carriers. We want more than this, and I shall now make a full statement of our demand in regard to Sunday mails, which we expect to keep asking for until we get it.

*We ask that a law shall be passed instructing the Postmaster-General to make no further contracts which shall include the carriage of the mails on the Sabbath, and to provide that hereafter no mail matter shall be collected and distributed on that day.* You ask, "What if a letter calling a son to the bedside of his dying mother should be delayed twenty-four hours by stopping mails?" Did you never hear of the telegraph—soon to be the nation's "fast mail?" Such emergency letters, that now are delivered on Sunday, may go by telegraph on Saturday.

Senator PAYNE. Then you do not propose to interfere with the telegraph?

Mr. CRAFTS. I would have it as at Toronto—all telegraph operators resting on Sunday, except a few men at the central office for emergencies—each man's turn for Sunday work coming only once in six weeks or more. As to business letters, some of the most prosperous cities in



the world have no Sunday work in their post-offices. I have a letter in my hand recently received from the postmaster at Toronto, a city as widely extended as most of our large cities, though not as thickly populated; a city of 140,000, which has grown as fast as almost any city of our country, and which is second to none in its moral record. There, with all the conditions of a large city, this is the statement, dated Toronto, March 29, 1888, and signed John Carruthers, assistant postmaster:

No clerk is required to do any work in this office on Sunday. Our office closes to the public at 7 p. m. on Saturday, and is not open again until 7 a. m. on Monday. Consequently no mail matter is delivered on Sunday, neither by carrier nor through the boxes. Our sorters all stop work before 12 on Saturday night, and do not resume duty until 12 p. m. on Sunday.

Nothing goes to pieces. The rule gives all an equal chance. No business man can get ahead of his competitor by getting his Sunday mail, and practicing for the insane asylum by Sunday work. All rest, with no loss to any one

Perhaps Toronto seems too provincial for men who come from larger cities. So let me give you the facts about London:

Within a radius of 5 miles from the general post-office in London no inland letters are carried, sorted, delivered, or dispatched on the Lord's Day ("Sabbath for Man," p. 286).

London rests its postal employés, and yet business suffers no congestion.

Senator PAYNE. Have you seen the statement lately made by authority that London on Sunday is the most immoral and dissipated city in the world?

Mr. CRAFTS. That is due to the liquor drinking; not to the fact that the mails are closed.

Senator PAYNE. In other words, closing the mails on Sunday does not reform the city?

Mr. CRAFTS. Not entirely, but it reforms the men in the postal service. It saves them from the oppression of conscience which makes men ready to go into all sorts of crime.

Senator PAYNE. Do the post-office employés there go to church when they do not have to attend the post-office?

Mr. CRAFTS. A postmaster recently said to me, "When men have to work a part of Sunday they do not usually go to church the rest of the day." I know one cause of this. They are ill at ease in conscience about Sunday work. I never met an engineer or a postal clerk who was not troubled about his Sunday work. His conscience is offended; he feels that he is regularly breaking one law of God, and sometimes thinks he might as well break ten commandments as one. Going to church only fills him with self-reproach in regard to the crime which the Government requires of him, and not being courageous enough to give up his place rather than his sin he stays away from what would remind him of it; and so those who handle the nation's wealth are almost wholly destitute of the culture of conscience, which none need more than they.

There is no reason for running a Sunday mail, as you see, not even for business letters. Certainly the Government should not keep its postal employés at work on Sunday for the benefit of the Sunday newspapers. Weekly newspapers do not ask it.

As to Sunday parades, we ask that the Sunday morning inspection and the Sunday afternoon parades shall be stopped, because they are

infringements of the soldier's right to Sunday rest, and also of his rights of conscience. Though the number of our soldiers is small and the secular duties required of them on Sunday are not very wearisome, we think the nation's example in this matter is important.

Now, a few words about interstate Sunday trains.

In the first place, the National Government is the only power that can accomplish this largest of labor reforms. In Connecticut they have recently emancipated ten thousand railway employes from Sunday toil by a law prohibiting excursion and freight trains on Sunday. No trains of any kind are allowed except morning and evening, and even then the railroad commissioners may allow only such trains as they think are required by considerations of mercy and necessity. They allow milk trains and Sunday newspaper trains, evidently thinking that babes can not live one day without fresh milk, nor men without fresh supplies of scandal.

Mail trains are certainly not works of necessity or mercy, but the State has no power to stop the nation's Sabbath-breaking in its borders.

But in these State reforms "the interstate difficulty met them at every point." And so in every State where railroad managers or the State authorities would reduce Sunday work on the railroads, they are impeded by the fact that the National Government must co-operate in order to make the reform complete.

I do not speak as a minister on the subject of railroads, but I bring to your notice the statements of railroad men.

In 1883, the President of the Michigan Central Railway wrote :

MICHIGAN CENTRAL COMPANY,  
Detroit, Mich., May 14, 1883.

*To the Editors of the Railway Age :*

I have your letter of May 11, relative to the action lately taken by the president of the Louisville, New Albany and Chicago Railway Company, in ordering the suspension of all trains upon the Sabbath, and note your request that I shall reply to certain questions as stated in your letter.

(1) If all railroad companies competing for the same class of traffic, from and to certain points, were in accord, it would be practicable to a very large extent to abandon the running of railway trains on the Sabbath day. The chief difficulty is that in these days of sharp competition, time has become such an important element that if one railroad company should voluntarily cease its traffic for one day during the week, while others continue, it would lose largely thereby. Yet, for example, were each of the trunk lines to absolutely refuse to exchange traffic of any kind with their connections, from 6 p. m. Saturday until Monday morning, it would be a simple matter for these trunk lines, as well as for their western connections, to so arrange the movement of traffic as to practically do away with the running of Sunday trains.

(2) There is no question as to the desirability of prohibiting Sunday work on railways. The law of nature, to say nothing of the higher law, requires that men should have rest one day in seven. Is there any reason why a railroad engineer or conductor is not entitled to his rest as much as a merchant or manufacturer?

(3) This company has endeavored to so arrange the runs of its trainmen and engineers as to bring them home on Sunday; but little can be done in that direction without the concerted action on the part of all companies interested in the same traffic.

(4) I do not believe at the end of the year the loss in traffic would be appreciable were all Sunday work stopped; and in the better morals of the men, the railway companies would be abundantly paid for doing away with the work on this day.

(5) While the public would no doubt at first be dissatisfied at the cessation of Sunday work, and would claim injury thereby in the matter of detention to freight and delay to mails, it is difficult to see how much injury could really exist were the practice of doing away with Sunday work made uniform on all roads. As an example, at one time it was thought necessary for each one of the Omaha roads to run a train from Chicago Sundays; after a while this was changed so that a train left each Sunday on one only of the three roads. This caused at first some dissatisfaction, but it soon passed away, and the result of the experiment, so far as I have been able to learn, was entirely satisfactory.

Looking at the question from either a moral or economical stand-point, no candid



person can uphold the running of trains on Sunday. What is there in the essence of a railroad company different from any other business which will require an exception to be made of it and its employes to work when others are allowed and expected to rest?

The effect of this constant and never-ending work is not only injurious to the men themselves but most deplorable to their families. If it is true, as Lord Bacon says, that a man who has a family has given a hostage to fortune, it is equally true that he should be allowed to live at least part of his time with those for whom he has to care, and certainly should have at least one day in every seven, which under our system of railway labor he can not have, to devote to his own family and private matters.

To bring about a cessation of Sunday work now would be much less difficult than it would have been a few years since. All over the country railway companies are grouping themselves into associations for the exchange of traffic, the maintenance of rates, and the better carrying out of agreements, such as, for example, the trunk line committee, the joint executive committee, the Southwestern Railway Association, and many others. If these companies can come together on short notice to arrange for any and all questions of mutual interest, it would be a simple matter, were this question of Sunday work properly considered, to bring about a reform in the same.

I am glad you have taken the matter up, for I believe if it is presented to our managers in its best light, whether from a moral or economical stand-point, a few moments' reflection will show to each of them that we are all committing a fearful mistake in allowing the continuance and rapid growth of this Sunday work.

Yours, truly,

H. B. LEDYARD,  
*President.*

The *Railway Age* says editorially, in the same issue with this letter (May 24, 1883):

Mr. Ledyard's conviction that he and other railway managers are all committing a fearful mistake in allowing the continuance and rapid growth of this Sunday labor is held, we believe, by the great majority of railway officers, and it is to be hoped that in their perusal and public consideration of the great problems of railway management they will give that serious attention to this subject which its importance demands.

The "accord" by which "the running of railway trains on the Sabbath" might be abandoned can not be secured permanently by any pool or agreement of managers, but only through a national law, such as we have abundant assurance would be welcomed by many railroad managers who lack the moral courage to stop Sunday trains while rival lines continue them.

R. S. Hayes, a railroad president, says:

Until the proper action is taken by the public in the form of amended laws and revised rulings, relieving the roads from liabilities resulting from the suspension of transportation, a certain amount of Sunday labor must of necessity be performed. (*"Sabbath for Man,"* p. 305).

Compulsory Sunday rest for all would gratify railroad managers as well as railroad men, with no loss to either.

General A. S. Diven, a prominent railroad man, recently said in the *Christian Union*, January 5, 1888:

(1) The traffic will be substantially the same per week whether moved in one hundred and sixty-eight or one hundred and forty-four hours. [That is, in seven days or six.]

(2) It can be moved in one hundred and forty-four hours.

(3) The extra cost will be fully compensated for by the improved service.

(4) There is no public necessity requiring Sunday service.

In a recent letter to me General Diven says:

There is no valid excuse for railroad traffic on Sunday, either for mails, passengers, or freight. Why should not traffic on our railroads rest with all the other business activities? None of the other great interests are paralyzed by resting one day in seven, nor would any follow the suspension of railroad traffic. Is the transmission of mails a necessity? The best and most successful business men I have ever known never open



their letters on Sunday. If there ever was a necessity for the Sunday mail service, it ceased with the telegram. If ever there was a necessity for moving perishable articles on Sunday, it has been removed by the refrigerator-car. My article in the Christian Union was intended as a challenge to railroad managers to justify their management. When that challenge is accepted I believe it can be successfully met by men of practical experience.

Why may not railroad passengers be detained one day for the same reason that steam-boat passengers are often quarantined for a fortnight—for the public health. The Senate has now before it an interstate commerce bill to protect the health of cattle. Why not add another to protect the health of more than half a million railroad men?

Interstate-commerce reforms thus far have been chiefly for the benefit of manufacturers and merchants, protecting them against monopolists, who would use the railroads as battering-rams to destroy their competitors. We ask now for interstate-commerce reforms to protect railroad men themselves against the railroads being used as battering-rams to destroy their health and morals by Sunday work.

The only purpose in running trains on Sunday is to make money, to fatten the bank account of millionaires, already too much favored by our laws. If *any* work for gain (not also work of necessity or charity) is allowed, in the name of equity *all* work for gain should be allowed. The law that forbids a poor widow to sell wholesome books on the Sabbath and allows the millionaire to sell railroad tickets is itself a crime—a crime against equity. Anarchy fattens on such injustice.

The plea that these Sunday trains are necessary to carry sorrowing fathers to their dying sons is often urged, but the answer is that it is vastly better for a boy now and then to die without the sentimental comfort of his father's presence, which can not save his life, than that thousands of men should die before their time by seven-day toil and the vices to which Sunday work so often leads.

As to the excuse, "The public demand the Sunday trains," I answer, "The *pocket* demands them" in blindness to its own interests.

Five hundred men with money in their hands, asking for a Sunday train, make a "demand" to which a railroad manager is more responsive than the petition of 50,000 citizens against the train in the interest of public morality and of the employés. Sunday cars are cars of Jugger-naut, crushing health and conscience beneath their wheels.

Every railroad manager and every legislator who is not deaf to the signs of the times must hear in the recent railroad riots a "demand," loud as the roar of Waterloo, not for more Sunday trains, but for none. How quickly these train-men become train-wreckers! Recently the rioters only needed a word from the railroad King Arthur, ordering a general strike of engineers, to enable them to plunge this whole nation into a social and commercial anarchy, compared to which 1877, and the bomb-throwing in Chicago, and the New York blizzard were but gentle hints.

In 1877 engineers themselves said that train wrecking and Sabbath wrecking were closely connected. Railroad men feel that having broken one commandment they might as well go through the list.

"When you force a conductor to break the Fourth Commandment, you must not be surprised if he goes on to break the Eighth also," said William E. Dodge to his directors, when urging the discontinuance of Sunday trains.

Perhaps you wonder that railroad men do not themselves appeal for Sunday rest. They have done so, and ceased only through despair of results.

Four hundred and fifty engineers of the New York Central Railway

a few years ago sent to their master a most eloquent and pitiful appeal for Sunday rest:

After pointing out how Sunday running had become "a great hardship" they continue: "We have borne this grievance patiently, hoping every succeeding year that it would decrease. We are willing to submit to any reasonable privation, mental or physical, to assist the officers of your company to achieve a financial triumph, but after a long and weary service, we do not see any signs of relief, and we are forced to come to you with our trouble, and most respectfully ask you to relieve us from Sunday labor, so far as it is in your power to do so. Our objections to Sunday labor are:

(1) This never-ending labor ruins our health and prematurely makes us feel worn out like old men, and we are sensible of our inability to perform our duty as well when we work to an excess.

(2) That the customs of all civilized countries, as well as all laws, human and Divine, recognize Sunday as a day of rest and recuperation; and notwithstanding intervals of rest might be arranged for us on other days than Sunday, we feel that by so doing we would be forced to exclude ourselves from all church, family, and social privileges that other citizens enjoy.

(3) Nearly all of the undersigned have children that they desire to have educated in everything that will tend to make them good men and women, and we can not help but see that our example in ignoring the Sabbath day has a very demoralizing influence upon them.

(4) Because we believe the best interests of the company we serve, as well as ours, will be promoted thereby, and because we believe locomotive engineers should occupy as high social and religious positions as men in any other calling. We know the question will be considered: How can this Sunday work be avoided with the immense and constantly increasing traffic? We have watched this matter for the past twenty years. We have seen it grow from its infancy until it has arrived at its now gigantic proportions, from one train on the Sabbath until we now have about thirty each way; and we do not hesitate in saying that we can do as much work in six days, with the seventh for rest, as is now done. It is a fact observable by all connected with the immediate running of freight trains that on Monday freight is comparatively light; Tuesday it strengthens a little, and keeps increasing until Saturday, and Sundays are the heaviest of the week. The objection may be offered that if your lines stop the receiving points from other roads will be blocked up. In reply, we would most respectfully suggest, that when the main lines do not run tributaries would only be too glad to follow the good example. The question might also arise, if traffic is suspended twenty-four hours will not the company lose one-seventh of its profits? In answer, we will pledge our experience, health, and strength, that at the end of the year our employers will not lose one cent, but, on the contrary, will be the gainers financially.

Our reasons are these: At present, the duties of your locomotive engineers are incessant, day after day, night succeeding night, Sunday and all, rain or shine, with all the fearful inclemencies of a vigorous winter to contend with. The great strain of both mental and physical faculties constantly employed has a tendency in time to impair the requisites so necessary to make a good engineer. Troubled in mind, jaded and worn out in body, the engineer can not give his duties the attention they should have in order to best advance his employer's interests. We venture to say, not on this broad continent, in any branch of business or traffic, can be found any class in the same position as railroad men.

They are severed from associations that all hold most dear, debarred from the opportunity of worship, that tribute man owes to his God; witnessing all those pleasures accorded to others, which are the only oases in the deserts of this life, and with no prospect of relief.

We ask you to aid us. Give us the Sabbath for rest after our week of laborious duties, and we pledge you that, with a system invigorated by a season of repose, by a brain eased and cleared by hours of relaxation, we can go to work with more energy more mental and physical force, and can and will accomplish more work and do it better, if possible, in six days than we can now do in seven. We can give you ten days in six if you require it, if we can only look forward to a certain period of rest. In conclusion, we hope and trust that, in conjunction with other gentlemen of the trunk lines leading to the sea-board, you will be able to accomplish something that will ameliorate our condition.

That plea, which greed would not hear, let Congress receive as the plea of all railroad men. Hon. Carroll D. Wright says that the only railroad men who want to have work done on Sunday are those who do not the work, only but pocket the dividends.



The railroad managers, as I have shown, would many of them welcome a law giving their roads a day of rest. Competition is the only thing which makes it seem necessary to keep their trains going on Sunday. In Canada Sunday trains are allowed to run only on account of American competition, and the strict Sabbath-keepers of the Dominion would quickly stop them when that excuse was removed. The Pennsylvania Railroad has reduced its Sunday trains within a few years, and so have some other roads.

What we want is that this matter shall be taken out of the realm of individual caprice, and that all railroad men shall be equitably protected in their rights to Sunday rest, first by the National Government in its realm of interstate commerce, thus removing the chief obstacle to carrying forward the reform in the realm of State laws.

A new king, in attempting to beautify his capital, came on a massive antique building which did not quite suit his fancy, and so began to tear it down. When a stone or two had fallen he saw uncovered before him the inscription: "These gates with their country stand or fall." Astounded, he withdrew his destroying hand. Let not the nation itself by its Sabbath-breaking example in the mail and military service and by allowing Sunday work in its wider realm of interstate commerce, help to tear down the very citadel of morality and liberty, the American Sabbath, built of Sinaitic granite and Plymouth rock, for "THESE GATES WITH THEIR COUNTRY STAND OR FALL."

Second. I wish to submit a document showing the present extent of Sunday work, as follows:

#### SUNDAY-WORK STATISTICS.

[Article by Rev. Wilbur F. Crafts in Journal of United Labor, December 6, 1888.]

The census of 1880 gives 17,392,099 as the number of persons in the United States then "engaged in occupations of all kinds;" about half of the population above ten years of age or over (36,761,607.) Jews and others who really abstain from labor and business on Saturday may be left out of the account, as all who profess to keep that day amount to but seven-tenths of 1 per cent. of the population, and so do not affect the result appreciably. The writer's effort has been to avoid any exaggeration in estimating the degree to which Sunday rest has been invaded in our country by the ever-increasing Sunday work.

(1) Those engaged in the following occupations are reckoned as having unbroken Sunday rest in all parts of the United States:

Of those engaged in agriculture: Apiarists (bee farmers), turpentine farmers, and laborers.

Of those engaged in professional and personal services: Architects, artists and art teachers, auctioneers, recording clerks and copyists, collectors and claim agents, designers and draughtsmen, civil engineers, teachers, and scientific persons.

*Of those engaged in manufactures and mining:* Agricultural implement-makers, apprentices to trades, artificial-flower makers, bag-makers, basket-makers, dyers and scourers, bleachers, blind, door, and sash makers, boat-makers, bone and ivory workers, book binders and finishers, boot and shoe makers, bottle and mineral-water makers, box-factory opera-



tives, brick and tile makers, bridge builders and contractors, britannia and japanned ware makers, broom and brush makers, builders and contractors, button-factory operatives, cabinet-makers, candle, soap, and tallow makers, car-makers, carpenters and joiners, carpet-makers, carriage and wagon makers, clerks and book-keepers in manufacturing houses, clock and watch makers, copper-workers, corset-makers, cotton-mill operatives, engravers, file makers, cutters and grinders, flax-dressers, fur-workers, galloon, gimp, and tassel makers, gilders, glove-makers, gold and silver workers, hair cleaners and dressers (not barbers), harness and saddle makers, hat and cap makers, hosiery and knitting-mill operatives, lace-makers, lead and wire workers, leather-case and pocket-book makers, manufacturers, masons (brick and stone), meat packers, curers, and picklers, mill and factory operatives, millers, milliners, dress-makers, seamstresses, mirror and picture frame-makers, nail-makers, organ makers, painters and varnishers, paper-mill operatives, pattern-makers, piano-forte makers and tuners, plasterers, potters, print-works operatives, pump makers, quarrymen, rag-pickers, railroad builders and contractors, roofers and slaters, rope and cordage operatives, rubber-factory operatives, saw and planing-mill operatives, sawyers, scale and rule makers, screw-makers, sewing-machine factory operatives, sewing-machine operators, shingle and lath makers, shirt, cuff, and collar makers, silk-mill operatives, starch-makers, stave, shook, and heading makers, steam-boiler makers, stove, furnace, and grate makers, straw-workers, tailors, and tailoresses, thread-mill operatives, tinnern and tin-ware makers, tool and cutlery makers, trunk and valise makers, umbrella and parasol makers, upholsterers, wheelwrights, wire makers and workers, wood-choppers, wood turners and carvers, wooden-ware makers, woolen-mill operatives.

*Of those engaged in trade and transportation:* Agents, bankers, and brokers, brokers (commercial), clerks and book-keepers in banks, clerks and book-keepers in insurance offices, employés of banks (not clerks), employés of insurance companies (not clerks), employés in warehouses, officials of banks, officials of insurance companies, packers, traders in cotton and wool, traders in iron, tin, and copper wares, traders in junk, traders in leather, hides, and skins, traders in lumber, traders in marble, stone, and slate, traders in music and musical instruments, traders in oils, paint, and turpentine, traders in paper stock, weighers, gaugers, and measurers.

The total number engaged in all these occupations is 2,900,865.

(2) The following is a list of those occupations in which Sunday rest is only occasionally interfered with for work of mercy or necessity:

*Of those engaged in agriculture:* Agricultural laborers, farm and plantation overseers, farmers, and planters.

*Of those engaged in manufactures and mining:* Plumbers and gas-fitters.

The total number engaged in these occupations is 7,572,355.

(3) The following is an estimate of the number who have Sunday rest in the occupations named: [Whole number in each occupation in parentheses.]

*Of those engaged in agriculture:* Dairy men and dairy women, 948 (8,948); florists, 550 (4,550); gardeners, nursery and vine growers, 40,000 (51,482); stock drovers, 449 (3,449); stock herders, 93 (24,098); stock raisers, 10,000 (16,528).

*Of those engaged in personal and professional services:* Actors, 812 (4,812); authors, lecturers, and literary persons, 1,000 (1,131); barbers and hair-dressers, 14,000 (44,851); billiard and bowling saloon-keepers,

1,000 (1,543); chemists, assayers, and metallurgists, 1,000 (1,958); government officials, clerks and employés (national, State, town), including postal service, customs, police, 5,331 (105,331); hunters, trappers, guides, and scouts, 12 (1,912); janitors, 2,763 (6,763); journalists, 4,308 (12,308); laborers, 1,800,000 (1,859,223); launders and laundresses, 121,000 (121,942); lawyers, 60,000 (64,137); livery-stable keepers, 213 (14,213); messengers, 985 (13,985); musicians (professional), 10,000 (30,477); showmen and show-women, 2,000 (2,604).

*Of those engaged in manufacturing and mining:* Bakers, 1,309 (41,309); blacksmiths, 170,000 (172,726); brass founders and workers, 10,000 (11,568); butchers, 26,241 (50,000); charcoal and lime burners, 5,000 (5,851); cheese-makers, 570 (4,570); chemical works employés, 2,000 (2,923); cigar-makers, 56,000 (56,599); confectioners, 3,000 (13,692); coopers, 40,000 (49,138); distillers and rectifiers, 245 (3,245); employés not specified, 34,000 (34,536); engineers and firemen, 625 (79,625); fertilizing establishment operatives, 1,000 (1,383); fishermen and oystermen, 10,000 (11,352); gas-works employés, 695 (4,695); glass-works operatives, 17,000 (17,934); gun and lock smiths, 10,000 (10,572); iron and steel works and shop operatives, 14,000 (114,539); leather curriers, dressers, finishers, and tanners, 29,000 (29,842); lumbermen and raftsmen, 10,000 (30,651); machinists, 100,000 (101,130); marble and stone cutters, 32,000 (32,842); meat and fruit preserving employés, 2,000 (2,860); mechanics (not specified), 7,000 (7,858); miners, 200,000 (234,228); officials of manufacturing and mining companies, 8,000 (8,198); oil mill and refinery operatives, 2,000 (3,929); oil-well operators and laborers, 2,000 (7,340); paper-hangers, 4,000 (5,013); photographers, 8,000 (9,990); printers, lithographers, and stereotypers, 36,000 (72,726); publishers of maps, books, and newspapers, 1,781 (2,781); quartz and stamp mill laborers, 441 (1,441); sail and awning makers, 2,000 (2,895); salt-makers, 1,000 (1,431); ship-carpenters, caulkers, riggers, and smiths, 17,000 (17,452); sugar makers and refiners, 2,000 (2,327); tobacco-factory operatives, 20,000 (20,446); others engaged in manufacturing and mining, 13,000 (13,542).

*Of those engaged in trade and transportation:* Boatmen and watermen, 368 (20,368); clerks in stores, 300,000 (353,444); clerks and book-keepers in express companies, 856 (1,856); clerks and book-keepers in railroad offices, 331 (12,000); commercial travelers, 158 (28,000); draymen, hackmen, teamsters, etc., 77,000 (177,586); employés and officials of trading and transportation companies, 702 (9,702); employés and officials of express companies (not clerks), 3,000 (13,004); employés of railroad companies (not clerks), 6,000 (236,058); newspaper criers and carriers, 374 (3,374); officials and employés of trading and transportation companies, 702 (9,702); officials of railroads, 63 (2,069); officials and employés of telegraph companies, 809 (22,000); officials and employés of telephone companies, 1,000 (1,197); porters and laborers in stores and warehouses, 30,000 (32,192); salesmen and saleswomen, 60,000 (72,279); saloon-keepers and bartenders, 461 (68,461); shippers and freighters, 166 (5,166); steam-boat men and women, 365 (12,365); traders and dealers not specified, 112,000 (112,842); traders in books and stationery, 4,000 (4,892); traders in boots and shoes, 9,000 (9,993); traders in cabinet-ware, 7,000 (7,419); traders in cigars and tobacco, 886 (11,886); traders in clothing, 8,000 (10,073); traders in coal and wood, 10,000 (10,871); traders in crockery, china, glass, stone ware, 2,000 (2,373); traders in dry goods, fancy goods, etc., 45,000 (45,831); traders in gold and silverware and jewelry, 2,000 (2,305); traders in groceries, 20,000



(101,849); traders in hats and caps, 4,000 (4,809); traders in ice, 854 (2,854); traders in liquors and wines, 500 (13,500); traders in live-stock, 10,000 (12,596); traders in music and musical instruments, 1,600 (1,906); traders in newspapers and periodicals, 29 (2,729); traders in produce and provisions, 20,000 (35,129); traders in real estate, 11,000 (11,253); traders in sewing machines, 6,000 (6,577); others in trade and transportation, 100 (177).

The total number estimated in this third group as having Sunday rest is 3,773,307. Add two previous groups, and we have 14,246,527; subtract from total number of wage-workers, and we have *three million one hundred and forty-five thousand five hundred and seventy-two deprived of Sunday rest in eighteen hundred and eighty*. Deduct from these those engaged in occupations usually considered works of religion, mercy, and necessity (although most of these are required to do twice as much Sunday work as is necessary): Clergymen, 64,698; clerks in hotels and restaurants, 10,916; domestic servants, 1,075,653; employes of charitable institutions, 2,396; employes in hotels and restaurants 77,413; hostlers, 31,697; hotel-keepers, 32,453; midwives, 2,188; nurses, 13,383; physicians and surgeons, 85,671; restaurant-keepers, 13,074; sextons, 2,449; veterinary surgeons, watchmen, and private detectives, 13,384; police, 43,000; pilots, 3,770; sailors, 60,070; stewards and stewardesses, 22,803; toll-gate and bridge-keepers, 2,303; traders in drugs and medicines, 27,704; undertakers, 5,113; total, 1,590,168. Deduct this from the total number deprived of Sabbath rest, and we have *one million five hundred and fifty-five thousand four hundred and four as the number regularly engaged in needless work for gain on Sunday in eighteen hundred and eighty*. As the occupations in which this needless Sunday work occurs have grown very rapidly in the eight years since the census, *the number engaged in needless Sunday work to day can hardly be less than a round two millions, about one-tenth of the wage-workers—one to every six families*.

To express the facts comprehensively, of this 2,000,000 about 100,000 are in the nation's mail service; about 27,000 in the military service; about 500,000 are in the liquor business; another 500,000, at least, are kept at work on the day of rest by Sunday trains and Sunday papers, and the remaining 900,000 are mostly shop-keepers and their clerks, with a few miners and mechanics.

For those engaged on Sunday on works of mercy and necessity every State legislature should be petitioned for a "six-day law forbidding any one to hire another or be hired for more than six days per week, except in domestic service and the care of the sick and of live stock. For the 2,000,000 engaged on Sunday in needless work for gain the first thing to be done is to get Congress to stop this Sunday work as far as its jurisdiction extends, and then to secure the further legislation needed from the States, together with good officers to enforce the laws.

I submit, third, a numerical estimate of the new petitions for a national Sunday rest law soon to be presented to the Senate. They are in the following words:

*To the United States Senate:*

The undersigned, adult residents of the United States, twenty-one years of age or more, hereby earnestly petition your honorable body to pass a bill forbidding, in the nation's mail and military service, and in interstate commerce, and in the District of Columbia and the Territories, all Sunday traffic and work, except works of religion and works of real necessity and mercy, and such private work by those who observe another day as will neither interfere with the general rest nor with public worship.

S. Mis. 43—2



## ESTIMATE OF THE PETITIONS FOR A NATIONAL SUNDAY REST LAW.

1. Protestants represented in the official membership of the American Sabbath Union, namely: The combined membership of the Methodist Episcopal Church, the Baptist Church, the Presbyterian Churches, North and South, and the Reformed (Dutch) Church, all of which have officially appointed members of the American Sabbath Union, by whom the law is asked for (practically 6,000,000), 5,977,693; Roman Catholics represented by letter of Cardinal Gibbons appended,\* 7,200,000; total 13,177,693.

There are surely enough other petitioners from Protestant denominations not represented above and from persons not members of any church to make *the number of petitioners a round fourteen millions.*

These labor organizations are now even more active than the churches in working the petitions. Every mail brings the indorsement of labor organizations from all parts of the land, confirming by local action the action of the general assembly of the Knights of Labor and the national action of the Brotherhood of Locomotive Engineers.

There are more than a quarter of a million members in the labor organizations that have petitioned for a Sunday rest law since the former hearing on April 6.

Thousands upon thousands of individual signatures, on our half-mile double-columned petition, have duplicated the action of the churches and labor organizations. We do not of course consider indorsements by vote as of equal value with individual signatures, but we believe this petition unparalleled in the history of legislation in the number of its individual and representative indorsements, and especially in that it represents the united action of labor organizations and churches of all creeds.

The letter of Cardinal Gibbons is as follows:

CARDINAL'S RESIDENCE, 408 N. CHARLES STREET,  
Baltimore, December 4, 1888.

REV. DEAR SIR: I have to acknowledge your esteemed favor of the 1st instant in reference to the proposed passage of a law by Congress "against Sunday work in the Government's mail and military service," etc.

I am most happy to add my name to those of the millions of others who are laudably contending against the violation of the Christian Sabbath by unnecessary labor, and who are endeavoring to promote its decent and proper observance by legitimate legislation. As the late Plenary Council of Baltimore has declared, the due observance of the Lord's Day contributes immeasurably to the restriction of vice and immorality and to the promotion of peace, religion, and social order, and can not fail to draw upon the nation the blessing and protection of an overruling Providence. If benevolence to the beasts of burden directed one day's rest in every week under the old law, surely humanity to man ought to dictate the same measure of rest under the new law.

Your obedient servant in Christ,

JAMES CARD. GIBBONS.  
Archbishop of Baltimore.

Rev. W. F. CRAFTS.

I also present some extracts from a very admirable report of the New York Sabbath Committee, just issued, giving many facts bearing on the points at issue in the proposed law:

Carefully distinguishing between private acts which lie within the domain of every man's personal liberty, and such public acts as affect the well being and rights of the community, the committee sought to protect the day of worship against disturbance, and to secure to all classes, so far as practicable, the enjoyment of the Sunday rest.

\* \* \* \* \*

\* The letter is not equal in value to the individual signatures of the millions he represents, but no loyal Catholic priest, or paper, or person will oppose what has thus been indorsed.

Of one provision of the law, as understood by the committee, it has been impossible hitherto to secure the impartial enforcement. The statute prohibits "shows" on Sunday, by which would seem clearly to be intended public exhibitions of whatever sort for money. In more than one case complaints under this provision have been dismissed by police justices, on the ground that the exhibitions complained of were not immoral in their nature and did not involve public disturbance. The statute, however, does not prohibit shows as immoral or even as causing disturbances of the peace. The prohibition in question is a part of that general enactment, the object of which is to secure to all classes the equal enjoyment of the Sunday rest and a decent public respect for the day, by forbidding all forms of labor and avocations pursued for the purposes of gain, except in cases of necessity or mercy.

In one or two instances it has been the duty of the committee to call attention to proposed theatrical entertainments on Sunday for charitable purposes. It need hardly be said that if the Sunday theater law is enforced at all, it must be impartially enforced. An exception made in one instance would open the door for other exceptions. It is a questionable charity which, even for a good end, sets the example of violating the laws of the State.

Attention was called in the last report to the effort made by associations of salesmen in retail stores to secure compliance with the law forbidding Sunday traffic. It was found impossible to enforce the prohibition because of the insufficiency of its penalty; the offenders would readily pay the minimum fine of \$1 or \$2 usually imposed, for the privilege of continuing their illegal sales. Application was therefore made to the legislature for an amendment to the law. A retail employes' association, with the sanction of the Central Labor Union, presented a bill, which was finally passed June 6, 1887, making the minimum penalty for the violation of the Sunday statutes to be \$5, with an alternative of imprisonment not exceeding 5 days, and on second conviction a fine of from \$10 to \$20 and imprisonment of not less than five days.

It is to be hoped that the movement for early Saturday closing will not be abandoned. Its universal adoption would in time obviate most of the difficulties attending it, as is shown by many years' experience in England.

The committee also invited the German pastors of New York and Brooklyn to meet for consultation, and with their help a German meeting was held at Cooper Institute, attended by nearly three thousand German Americans, at which able and earnest addresses were delivered in German against the principles of the "Personal Liberty Party," and in defense of our American Sunday observance, which were received with enthusiastic applause.

This "Personal Liberty" movement awakened counter agitation throughout the State, and in almost all of the principal town meetings were held and sermons preached in reference to it. Citizens without distinction of party or faith—Roman Catholics, Protestants, and large numbers of Germans—united in the opposition.

An important feature of the Sunday discussion throughout the country is the larger part which workingmen are taking in it. In the movement for bettering the condition of the workingmen, which is so pregnant a feature of our times, the value of the Sunday rest and of the laws which protect it is being more distinctly recognized. The Central Labor Unions of Brooklyn and New York and Knights of Labor in other parts of the country have sought the enforcement of existing laws closing shops and stores on Sunday and the enactment of such laws where they do not exist. In Boston, Chicago, Memphis, Atlanta, Indianapolis, and other cities the journeyman barbers have recently agitated for relief from Sunday work; while, in compliance with this demand, in Minnesota, a recent law provides "that keeping open a barber-shop on Sunday for the purpose of cutting hair and shaving beards shall not be deemed a work of necessity or charity."

The supreme court of Pennsylvania, in a decision handed down January 3, 1888, said: "The weekly day of rest is, from a mere physical and political stand-point, of infinitely greater value than is ordinarily supposed, since it not only affords a healthful relaxation to persons in every position of life, but throws a strong barrier in the way of the degradation and oppression of the laboring classes who of all others need this ever-recurring day of rest and relief from weekly toil. It is therefore neither harsh nor unjust that man should be required to obey these statutes which have been wisely ordained for the protection of the Sabbath."

In Ohio an amendment to the previous law was passed by the last legislature, which takes away from city councils the right to regulate the opening and closing of saloons



on Sunday, prohibits more effectually the selling of intoxicating and malt liquors on that day except by physician's prescription, and compels the closing of places of sale. It was passed by a decided vote of members of both political parties.

Says a leading Chicago paper : "All of the theaters that derive their patronage from what, for want of a better phrase, may be called the better class of society, would be glad to close on Sunday. Not a few saloon-keepers would be glad of a Sunday holiday." (Inter Ocean, February 26, 1888.)

The law of Missouri prohibits on Sunday liquor selling, theaters, base-ball parks, and other places of amusement where an admission fee is charged.

Societies in England have been at work for many years to secularize the Lord's day under guise of providing for the working classes entertainments which the more intelligent of them do not desire, but rather dread, as threatening that same invasion of their Sunday rest which has deprived continental workingmen of it to a very large extent.

The different states that make up the German Empire differ widely as to the custom of Sunday labor. In some states labor knows no day of rest, in others there is partial cessation of work on Sunday. Returns from 50,000 manufacturing establishments, with 1,582,500 workingmen, show rather more than half of the establishments, working on Sunday, but less than half of the employes work regularly on that day.

Of these statistics a leading journal says: "They prove one thing with tolerable certainty, and that is, that the footing of Sunday as a day of rest is almost as precarious in Germany as its footing as a day of religious observance. \* \* \* On one other point the friends of Sabbath observance have undoubtedly found themselves somewhat justified by experience. They have always maintained that, if Sunday were not kept as a sacred day, its retention as a day of rest from toil would prove very difficult. In this they are apparently right. In all the continental countries along with readiness to be amused on Sunday comes also readiness to work. It seems difficult, if not impossible, to enforce a rule which allows people to play lawn tennis, or go to the theater, or sit in beer gardens, but forbids them to work in factories or keep their shops open. The experience of Germany seems to contain a great deal of instruction on this point." (The Evening Post, December 10, 1887; The Nation, December 15, 1887.)

In Russia the movement for the weekly rest has made itself felt, and petitions have been addressed to the holy synod from different parts of the Empire asking for the closing on Sunday of all stores and workshops. It is said to have been favorably received, and that the question will soon receive attention. The movement originates not with the clergy, but with employes.

The great problems that now confront us are social questions; the equitable distribution of wealth; the securing to all classes, so far as possible, the opportunities for self-improvement which are supplied by the leisure which wealth affords. In the solution of the problem the divinely appointed weekly rest bears a prominent part. The Sunday question demands careful study on the part of those who are seeking light on these problems in the interests of their fellow-men, and especially on the part of workingmen themselves.

I also submit another document, which gives the questions asked and answers given in the international convention of the Brotherhood of Locomotive Engineers and the Knights of Labor, at the close of my address. After the half-hour address, an hour and a half was spent in the convention of the Brotherhood of Locomotive Engineers in questions and answers, and half an hour in the Knights of Labor, after which, in both cases, our petition was indorsed by a unanimous vote:

[Extract from report of Rev. Wilbur F. Craft's address on the Sunday rest. Petition before general assembly of the Knights of Labor. (From Journal of United Labor, November 29, 1888.)]

At the convention of engineers several questions were raised by those who feared that the petitioners' dream of Sunday rest for them might be too good to come true. The first question raised was, "Will not one day less work per week mean one-seventh less wages?" In response to this, attention was called to the statement of the Vander-



bilt engineers, and also of General Diven and other railroad managers, that as much railroad work as is now done can be done in six days, and done better, because of the better condition of the men; and on this ground the engineers would be sustained in demanding and, if necessary, compelling the railroad companies to so readjust the pay schedule that the men would be paid as much as at present. I agree with Mr. Powderly, as I said to them, that there should be no strikes except such as were in accordance with knightly principles.

Another question was, "What good would my Sunday off do my family if I were a hundred miles away with my engine?" It was replied that a railroad man would usually reach the same point Saturday night every week, and would locate his home at that point. Another question related to the stock train, which, it was said, could not be stopped on the Sabbath without cruelty to animals. But another engineer replied that there were cars now provided in which stock could be fed and watered as if in the stable on such trips as were too long to accomplish between Sabbaths.\* In any case, men should not be sacrificed for cattle. One freight engineer from Georgia, where the law against Sunday freights is enforced, said emphatically that he never would leave Georgia while a railroad job could be had there, so greatly did he prize his Sunday rest.

Now I shall be glad to answer any questions, hoping to clear up all seeming difficulties, so that you can all indorse the petition as practical labor reform.

*Question.* Wouldn't it be the best way to stop Sunday trains to have the Government own and control the railroads altogether as the knights advocate?

*Answer.* I believe in that. Perhaps the best way to begin the discussion of Government control for seven days per week is to discuss this bill for Government control on one day. If the railroads refuse the little we now ask the people will be the more ready to take control altogether.

*Question.* Could not this weekly rest day be secured without reference to religion by having the workmen of an establishment scheduled in regular order for one day of rest per week, whichever was most convenient—not all resting on any one day?

*Answer.* A weekly day of rest has never been permanently secured in any land except on the basis of religious obligation. Take the religion out and you take the rest out. Greed is so strong that nothing but God and conscience can keep him from capturing all the days for toil. However, I believe in a law requiring that some week day be given for rest to those engaged in such work as is permitted on Sunday, in accordance with the following petition which was indorsed by the Knights of Labor Council of Chicago; but being a petition for a State law, I present it, not for indorsement by the General Assembly (as I do the other petition), but only for you to carry home and push, each in his own State:

*"To the State senate:*

*"The undersigned earnestly petition your honorable body to pass a bill forbidding any one to hire another or to be hired for more than six days of any week, except in domestic service and the care of the sick, in order that those whom law or custom permits to work on Sunday may be protected in their right to some other weekly rest day, and in their right to a week's wages for six days' work."*

*Question by the "peaceful socialist: "* Can not this Sunday rest (in which I believe) be secured without law, and so without interfering with personal liberty, by agreements among churches, among engineers, etc.?

*Answer.* Sunday laws do not in any way interfere with true liberty, for they do not require any man to be religious. A six-day law is no more a violation of liberty than an eight-hour law. In shortening the hours of labor it is a great advantage for the law to name as the rest day one which is already a rest day to a large number of the population on religious grounds. On the continent of Europe the voluntary plan has failed so signally that the conventions of socialists even are asking for stricter laws against Sunday work.

#### REMARKS BY MRS. J. C. BATEHAM.

Mr. CRAFTS. Mrs. J. C. Bateham, of Painesville, Ohio, the superintendent of Sabbath observance department of the Woman's Christian Temperance Union, representing the organization that has done more work on the petitions than any other, will now speak.

Mrs. BATEHAM. Honored chairman and Senators, as representing our great body, I had the honor of presenting to you last winter a pe-

\* See General Diven's argument in later part of this hearing.

tition from nearly two millions of people, asking that Congress forbid needless Government work and interstate commerce on the Christian Sabbath. You graciously granted us a hearing, and your honored chairman afterward introduced a bill into the Senate covering our requests.

We have to-day to report that that bill has been specifically indorsed by hundreds of thousands, and, including those who, not having seen the bill, ask in general terms for a Sunday law, the petitions have grown from nearly two to about seven millions. This does not recognize as a bona fide indorsement for the Catholic Church the personal signature of Cardinal Gibbons. Should you accept that, it would make us fourteen millions.

I do not know how many of these seven millions have sent their individual signatures—it is said there are millions. I do know that nearly every State and Territory is represented, and that, pasted on red cloth and arranged as drapery in the Foundry Church, of this city, for the American Sabbath Union now in session there, the petition is over half a mile in length, much of it in double columns; and yet this wonderful petition, doubtless by many millions the largest ever presented to this or any other Government, is not yet full grown.

Each day's mail is bringing thousands more, and the rain is expected to last for weeks to come.

The Illinois Sabbath Association and Rev. W. F. Crafts have during the past year aided greatly in this work, having secured a large share of the new indorsements which will shortly be presented to this body.

Allow me to say in behalf of the National Woman's Christian Temperance Union and these petitioners, we claim that the present attitude of Government with reference to the Sabbath is working a great injustice and damage to the people, and we base our claim and our petition on these facts:

(1) Nearly every State has its Sabbath laws, but the National Government has none, though greatly needed, since the question has become emphatically a national one, and the very perpetuity or loss of our national rest day, the Christian Sabbath, seems to depend on its being protected by the Government from the encroachments of organized capital and on the re-enforcement of State laws by national.

(2) It is in gross violation of nearly every State Sabbath law that railroads run their Sunday trains, yet these States are powerless to prevent it since only Congress can control interstate commerce.

(3) By the State laws ordinary labor and traffic is forbidden on Sunday, but in defiance thereof the United States Government keeps its post-offices open and sells as on other days, and sends its mail to all parts of the country, though the example of such cities as London and Toronto shows Sunday postal work to be unnecessary, the telegraph supplying every necessity.

(4) In its military service, by the extra drills, and parades, Sunday is often made the most laborious day of the week.

(5) By ignoring its Sabbath obligations and the State Sabbath laws it sets an example sure to be generally followed by courts of justice of overriding and casting odium on all Sabbath laws. This effect is far reaching and disastrous.

(6) By its example it encourages each citizen to use the day as best suits his personal pleasure without reference to the greatest good of the greatest number or the laws designed to guard this.

(7) It is recreant to the principles of the forefathers who established



this as a Christian Government on the rock-bed of the Sabbath as the bulwark of all morality.

(8) It is listening to the demands of the rich and neglecting the cry of the poor—the toiling men, women, and even the children, who are increasingly compelled to work seven days in the week or forfeit employment.

(9) In thus failing to protect their right to the God-given day of physical rest, it deprives them of the opportunity to become intelligent members of society and lessens the chance of their being even moral.

(10) By educating the people in lawlessness or antecedent disregard for law, and failing to protect the day which, more than all other influences, tends to create and perpetuate the highest forms of morality, it makes itself responsible for most of the flagrant desecration of the Sabbath and for the rapidly lowering tone of public morals that is endangering the very life of our free Government.

What is needed to remedy these serious evils and place the Government where it will re-enforce the State laws, liberate the prisoners of Sabbathless toil, and lift the whole country to a higher plane of morality, seems to be that Congress enact such a law as is contemplated by the Sunday rest bill.

You will like to know what classes of people we have found favorable to our petition.

First, the leaders of thought and educators, so far as approached, are almost invariably with us.

Second. Christian people of all Protestant denominations, except the small sect of Seventh-Day Baptists.

Third. Cardinal Gibbons says no man can be a good Catholic and not desire such a law.

Fourth. Nearly all wage-workers. We have rarely found a laborer willing to forego his rest day for the sake of wages if not afraid of losing his place. They earnestly desire relief and must have it; such relief this bill affords.

There are *two millions* of laborers engaged in needless Sunday labor today in free America. A letter just received says “a hundred thousand railroad men are watching and hoping for your success.” They do not dare express this; the “bosses” are not willing the petitions should be circulated, and, in one case, the railroad men were told to let it alone and the bearer never to come there again. Two hundred and forty thousand wage-workers are represented on our petitions.

Fifth. Business men who are not prejudiced because it will foil some personal business scheme.

In short we believe the great majority of the people will approve such law, and among them the ablest, the wisest, the most patriotic and philanthropic of our country, as well as the sufferers from lack of protecting law.

Who, then, oppose the bill? Almost exclusively those who make money from Sabbath desecration.

First in influence comes the daily newspaper press. As nearly all the large dailies publish a Sunday edition, greatly to the damage of public morals, and derive therefrom their greatest income, they are expected to throw their whole influence against any law which would prevent their publishing or circulating such edition. But as one great intent of the bill is to promote the morality of the people, we believe the outlawing of the Sunday newspaper would be one of its most beneficial results.

Second. Railroad managers, who only yielded from necessity to any



interstate regulations by Congress, will probably oppose further regulations, especially if asked in the name of their employés. Even admitting, as many of them have, that a law requiring all roads to stop would prove a financial blessing to the roads themselves, they would still want the day for repairs.

We beg you in this case to remember that the men to whom we all intrust our lives and our property, are not fitted for such responsibility unless they have one day in seven to rest and thus tone up their nervous systems; and that men trained to disobey the fourth commandment are indirectly trained to disobey any other command of God or law of the Commonwealth, and thus property and life are rendered insecure, and riots are a natural result.

Third. Steam-boat companies and others who promote *Sunday excursions and amusements* ostensibly for the benefit of the people, really for the money to be reaped from them for themselves. We claim that these excursions and amusements are not demanded by the people; that the former are a weariness to the flesh, and both are a source of great demoralization and a public disturbance; that recreation should be afforded by a Saturday half-holiday and the people be trained to be law-abiding and to respect the Sabbath quiet.

Fourth. Saloonists and their backers—the brewers and distillers. Whatever builds up the morality of the people is against their interests and all Sabbath laws are their abhorrence. They desire lawfully or unlawfully to sell liquor unlimitedly on that day. The immoral class go with them.

Fifth. A class of business men who can make more money on that day than any other. We do not expect this class to be obstructionists.

Sixth. A class of foreigners who prefer the Continental Sunday, with its work, its amusements, its beer, and perhaps its morning mass, to the American rest day. They do not yet see that the protection and prosperity for which they came to this country is largely the result of the American Sabbath and consequent morality. Thoughtful Americans who see this will be slow to allow the exchange.

Seventh. The Seventh-Day Baptists, a class not large in numbers, but who object from conscientious reasons, whereas the majority do so from greed. Our Woman's Christian Temperance Union, while recognizing the necessity for a uniform rest day, requests that in this bill the conscientious scruples of this class be respected, in harmony with most of our State laws, and suggests the following addition to the bill:

SEC. 7. Any person that has habitually and conscientiously refrained from all labor on Saturday believing that to be the Sabbath, shall on proof thereof be exempt from the penalties of this law, provided he has not on Sunday interfered with the rights of others to a day for rest and worship.

We are aware, honored Senators, that the opposition may be a strong one; we have faith, however, that you will correctly estimate the motives of those who oppose this bill, and that you will heed the voice of these seven millions of the most worthy classes of society, saying through their signatures, in tones not be misunderstood or neglected, that the people of this mighty nation decline to surrender the richest legacy God and their fathers have bequeathed to them, a Sabbath of rest.

We believe you will guard the safety and prosperity of the country rather than listen to the selfish clamor of those who would sacrifice the public weal for private greed.

This is no ephemeral spurt of religious enthusiasm, but the expression of the deepest convictions and wishes not only of the seven millions

we represent, but of the vastly greater number whom they represent. This country is stirred from one end to the other on this question, and it can never be settled till it is settled right, for so God and the people will have it.

### REMARKS BY HON. G. P. LORD.

Mr. CRAFTS: The next to speak will be the representative of the organization which, next to the Woman's Christian Temperance Union, has done the hardest work in gathering petitions. It has really worked as a national society, though named the Illinois State Sabbath Association. It is represented here by its most active worker, Hon. G. P. Lord, of Elgin, who will now speak.

Mr. LORD. Mr. Chairman and honorable Senators, as a representative of the Sabbath Association of Illinois, I submit the following points in support of a national weekly rest law:

(1) By common law the Christian Sabbath, known on our calendar as Sunday, is a legal weekly rest day, and it is the only day which by common consent is a weekly rest day.

We all know that statute laws remain on our statute books until they are repealed, whereas common laws, which are based upon common custom, have to be constantly re-enacted.

It is estimated that not more than 3,000,000 of our population work on the Sabbath, and most of this number are unwilling workers.

This being true, the balance, or more than 57,000,000 of our population, by abstaining from their regular weekly toil on the Sabbath, are constantly re-enacting this law of a weekly rest day.

Congress, by adjourning its sessions from Saturday until Monday, is constantly re-enacting this law.

The Supreme Court of the United States, by adjourning from Saturday until Monday, is constantly re-affirming the law which gives to the people a legal weekly rest day.

(2) The Constitution of the United States guaranties to all men the "liberty" to have and to enjoy their legal rights.

Every man is abridged of his liberty when he is deprived of his legal rights.

The Constitution further guaranties the right to "the pursuit of happiness."

No man can be happy while he is conscious of being deprived of his rights.

We regard property rights as being sacred rights.

Are there not other rights which are equally sacred?

Our forefathers, as an expression of their abhorrence of a government that would deprive them of their rights, converted Boston harbor into a great tea-pot, and we justify them for that act.

By what rule of consistency do we justify them for so doing while we approve of the acts of our Government in depriving its employés in the postal, military, and naval service of their right to a weekly rest day?

No plea of convenience by any class can justify the Government in depriving its employés in the postal service of their rights.

Nor should we overlook that large class of men in the employ of our great corporations.

If these corporations abridge the rights of their employés, deprive them of their right to a weekly rest day, by what law of equity can those corporations require the Government to protect them in their property rights when those rights are endangered by their employés?



The equities are against them—"they have sown to the wind," and they need not be surprised if they "reap the whirlwind."

He may feel assured that this labor problem will never be solved so long as the laboring class are deprived of any of their rights.

The great demand of the laboring class is for more rest.

The Government has heretofore recognized the justice of this demand by reducing the number of hours required for a day's work.

It should now enact a law giving to those in its employ, or under its legal jurisdiction, their legal weekly rest day.

#### REMARKS BY GENERAL A. S. DIVEN.

Mr. CRAFTS. The next speaker will be a representative of the American Sabbath Union, the chairman of its delegation, General A. S. Diven, who for thirty years practically controlled the Erie Railway, and will speak on the railroad phase of the subject.

Mr. DIVEN. Mr. Chairman, I suppose the Sabbath Union made me an honorary member because, a year or two since, when one of the New York papers invited discussion of Sunday railroad traffic, having had a long experience in the management of railroads, and feeling somewhat qualified to enter upon the discussion, I submitted two articles, in which I took the somewhat radical ground that there was no public necessity for Sunday trains, and that the corporations owning the roads would not suffer in their economy by abstaining from Sunday traffic.

I took the ground, first, that the amount of traffic would be the same whether performed in six days or seven; second, that the railroads have the capacity to perform all the business in six days that they are now doing in seven; third, that it would not increase the expense of operating the roads to lay over on Sunday; fourth, that so far as the public is concerned, there is no necessity justifying the running of railroad trains on Sunday on account of freights or passengers or mails.

Having stated these radical views of mine with regard to transportation, I would rather stop right here and hear any objections that may be made to these propositions, unless they are admitted.

The CHAIRMAN. How do you explain that as much can be done in six days as in seven in the way of railroad traffic?

Mr. DIVEN. I explain it in this way: The railroads have the capacity.

The CHAIRMAN. Suppose the work then increases?

Mr. DIVEN. The facilities for transportation increase in advance of the demand.

The CHAIRMAN. Would it not be necessary to increase those facilities sooner than if you took the seven days to do the work?

Mr. DIVEN. The facilities at present are more than enough to do the work in six days, and the facilities are increasing faster than the demand by the construction of additional competing lines and by improvement of the older lines.

The CHAIRMAN. You attribute it, then, to the fact that the facilities are more rapidly increasing than the traffic?

Mr. DIVEN. That is a fact.

The CHAIRMAN. You do not claim that as much work can be done, with the facilities remaining the same, in six days as in seven?

Mr. DIVEN. No; but the roads have facilities for doing enough in six days to meet all the business requirements and a great deal more.

The CHAIRMAN. You do not mean to say that a piece of freight could



leave San Francisco and get to Boston as quickly in six days as now in seven days?

Mr. DIVEN. No.

The CHAIRMAN. Then economy of time to the public would be lacking?

Mr. DIVEN. I claim that the difference in time between the transmission of freights from San Francisco to New York would be of no practical consequence. It is a kind of freight that, whether it arrives one day or the next in New York, it is perfectly immaterial to the trade.

The CHAIRMAN. How, with business men, or a minister who, starting from San Francisco on a given day, must preach in New York the next Sunday? Men want to save time. Could they get from San Francisco to New York in six days when seven are now required?

Mr. DIVEN. There are three days in the week in which passengers can start from San Francisco and arrive in New York without encroaching upon Sunday.

The CHAIRMAN. You do not claim that a passenger could make the same distance in six days that he can make now in seven?

Mr. DIVEN. No; I do not claim that.

The CHAIRMAN. In other words, you do not claim that by this one day's general rest the rapidity of action would be so increased during the remaining six days, without destruction to economic principles, that the six days' work with the seventh day's rest would be as good as seven days' work without any day's rest?

Mr. DIVEN. I will state to the committee what I would do if I were controlling a railroad line between New York and San Francisco. There would be the same number of passengers. Nobody claims that it would take one from the number of passengers from ocean to ocean, if they all had to lay over on Sunday. The same number of passengers would be carried. Therefore, the railroads would be losing nothing.

The CHAIRMAN. The main question is, What would be the loss to the public?

Mr. DIVEN. I will come to that point. If I were managing a road from New York to San Francisco, no matter what the other lines might do, this would be my programme: Starting Sunday night, there are three of the first days of the week in which passengers can go through before the next Sunday. Then I would arrange my Sunday stop-over stations at three places. I would locate those stations at the most attractive places upon the road, at which I would make the most perfect hotel accommodations. Then on the lay-over trains I would give a free ticket for hotel accommodations for one day, and I venture to say that any road now in operation which would adopt that system would get the largest trains on the lay-over trains.

The CHAIRMAN. Taking the year together, do you believe the public would accomplish as much business by observing the Sabbath with reference to the transportation of freight and passengers as under the existing system by the violation of the Sabbath?

Mr. DIVEN. I have no doubt that they would. There is just so much traffic to be carried. There is just so much freight. The only case where travel would be decreased would be in Sunday excursions and matters of that kind.

The CHAIRMAN. You were superintendent of the Erie Railroad?

Mr. DIVEN. I was vice-president for a long time of the Erie road and I have been president of other lines.

As to moving ordinary freights, which form the great bulk of transportation furnished to railroads, the product of the forest, of the mine, of the factory, and the freight of the merchant, the mine lies idle on

Sunday, the factory lies idle on Sunday, and all the industries that supply transportation to the companies are idle on Sunday. No freights are brought to depots on Sunday; no freights are taken from the depots on Sunday. None of the industries that contribute to the traffic of railroads are in operation on Sunday, and when all those industries are suspended, why it is necessary to keep their freight moving I, for the life of me, can not understand. The bulk of the freights are of a character that are not damaged by a day's delay, nor is the market affected.

It is claimed, I know, that there are certain perishable freights that would be interfered with by Sunday rest to the disadvantage of the public. As to the live stock that is largely shipped from the valley of the Mississippi or from the Western plains, I hold that it is to the advantage of the shipper as well as the railroad companies that the stock should not be kept in cars more than forty-eight hours. On all the trains moving from the sources of the large supply of live stock to New York, it is expedient that the stock should be taken out of the cars to rest, for if they are forced through without rest they come into the market in a feverish, exhausted state, and are unfit for the butcher. I know that to be the case from experience.

When I was in the management of the Erie road we thought it wise to lay over with our stock even between Buffalo and New York. That is not regarded as essential now, but it is essential, nevertheless. The stock shipper profits by the time of rest given to his stock.

However, live-stock transportation is becoming a very small item upon the roads. The principal part of the cattle are slaughtered in the West, and come to this part of the country in the shape of fresh meat.

By the invention of the refrigerator car the prepared fresh meats are brought from the far West. The cattle are butchered at Kansas City, for instance, and the dressed beef is carried not only from Kansas City to New York, but to Charleston, Savannah, and Jacksonville, and all over the eastern part of the country. Not only is that done, but it is carried to London, and the European cities are supplied with fresh beef butchered at Chicago which is as good or better than if it had been butchered in Europe.

With that arrangement by which fresh meat can thus be transported without deterioration the plea of necessity for moving live-stock on Sunday surely ceases.

Another point urged by a great many is that the milk which supplies the cities must be brought in on Sunday. That I know to be unnecessary. The milk of the dairy of Saturday supplies the city of New York on Monday. No milk trains that supply our cities with milk ever reach farther from the market than 100 miles, and that hundred miles may be run in four or five hours. The milk of Saturday night may be brought into New York and delivered before daylight on Sunday morning. I would allow these trains to run Sunday night provided they would not encroach upon the day of Sunday.

The CHAIRMAN. That is, the daylight of Sunday?

Mr. DIVEN. Yes; the daylight.

The CHAIRMAN. Will you not state to the committee your views as to the effect of the seven days' work without a rest day upon the condition of the employés, and as bearing also upon the safety and efficiency with which transportation is made for passengers and freight alike?

Mr. DIVEN. That is a subject I am not well prepared to discuss.

The CHAIRMAN. You must have an opinion.

Mr. DIVEN. Certainly; but I am not prepared particularly on that point as to facts and figures.



The CHAIRMAN. Please state your opinion briefly.

Mr. DIVEN. I state most emphatically that the men who have their seventh day rest are always in better condition for railroad service than those who are compelled to work that extra day.

The CHAIRMAN. What effect has that upon the safety of life?

Mr. DIVEN. A wearied engineer, in my judgment, does not keep his balance as well; he can not conduct his train with so much prudence and safety.

The CHAIRMAN. What is your opinion as to the effect of the present method of conducting travel (that is, largely continuing the labor of the men on the Sabbath as well as other days) upon the railroad accidents which occur in the country?

Mr. DIVEN. In my judgment a railroad engineer to perform his duty with caution ought to have rest. He ought not to be overworked.

The CHAIRMAN. Can you answer the question directly, does Sunday work increase or lessen the accidents in the country?

Mr. DIVEN. I think it increases them.

The CHAIRMAN. Is there anything else you would like to say?

Mr. CRAFTS. Will General Diven give his opinion as to Sunday mail trains?

Mr. DIVEN. With regard to mail trains, I see no necessity for the distribution or movement of mails on Sunday. The mail is not resorted to now in cases of emergency. In all cases of emergency where rapid communication is desired, the telegraph is resorted to, and since we have that there is no occasion for using the mail in case of emergency. Almost all the great business of the country for which the mails are used is suspended on Sunday. The exchanges, the banks, all offices of business are closed on Sunday, and the Sunday mails are not opened until Monday. For personal communication one day's delay in a social letter can make no difference, and if there is accident, or sickness, or any emergency, the telegraph is always resorted to now.

Senator PALMER. I should like to ask you one question. I heard you remark that the adoption of refrigerator cars and their use did away with the necessity to transport live cattle on Sunday.

Mr. DIVEN. By the use of refrigerator cars fresh meat need not be transported on Sunday.

Senator PALMER. I thought you were speaking of live cattle in that connection, and I was going to ask whether you knew that the refrigerator cars are matters of patent and every one using them has to pay tribute to the owners of the patent.

Mr. DIVEN. That may be the case.

Senator PALMER. That would have a very important bearing on the question.

Mr. DIVEN. Refrigerator cars are now used a great deal more than formerly. There is ten times the quantity of meat brought to New York in those cars than comes on the hoof.

Senator PALMER. If the transportation of cattle in the live state were abandoned it would give those who control the refrigerator cars a monopoly of the transportation of beef.

Mr. DIVEN. That is true.

Senator PALMER. That is a very material practical question that would come up in the consideration of any proposed legislation. The public are very sensitive on a matter of that kind.

Mr. DIVEN. Have not the public, through Congress, a right to limit the charges for the transportation of meat notwithstanding the patent? I think they have.



Senator PALMER. Only relatively. I doubt whether Congress has any right to make an arbitrary restriction.

Mr. DIVEN. No; but they have, I think, a right to put a limit upon the transportation charges.

The CHAIRMAN. When it is an interstate-commerce question it can be regulated.

Senator PALMER. The Interstate Commerce Commission does not go into the rates, I understand, but only into the relation of rates.

The CHAIRMAN. I think Congress has the power to regulate rates, but I know gentlemen who think it has not.

### REMARKS BY REV. T. P. STEVENSON.

Mr. CRAFTS. Rev. T. P. Stevenson, D. D., corresponding secretary of the National Reform Association, will now address the committee.

Mr. STEVENSON. Mr. Chairman, the society which I represent is one which has been organized to maintain all existing Christian features in the American Government, and to maintain and promote the connection between the American Government and the Christian religion. Consequently this question lies within the field of our work.

Let me say that the law of God as we seek to have it regarded in our country does not simply require the observance of the Sabbath, though that is one point of view. From another point of view the law of God protects the rights of men to the Sabbath. It is the boon which God has given to the toiling world, this exemption on one day from the curse of labor. The yoke of toil on one day is lifted away. The whole constitution of the world, our social life, and even the material forces and substances that we deal with, have been conformed to that law.

So experience has proven that men do not gain but lose by unremitting toil, and that more is accomplished, industrially and financially, by the observance of that law of rest than is accomplished by continuous labor.

The Constitution of the United States throws its safeguard around one eminent personage in our land, exempting him from the necessity of labor on that day. The President of the United States has one day in seven guaranteed to him free from the necessity of considering public business under the Constitution of the United States.

The whole frame-work of our Government has been arranged so as to secure exemption from work on that day for nearly all the officials of the Government. On two memorable occasions in the year 1828 the American Congress was constrained to adjourn on Sabbath morning. The vote to adjourn having been twice defeated by the casting vote of the presiding officer, Congress was constrained to adjourn by the protest of members, who contended that they would not remain there unless compelled by force, and that there was no power or law to compel attention to the public service on the Lord's day.

It is a fundamental principle in republican institutions that the rights of the humblest are as sacred as the rights of the most elevated, and the same authority—the power of the Government—which guards by its fundamental law the right of the President of the United States to one day of rest in seven ought to be exerted to guard the rights of all classes of our citizens. The two millions referred to here who are engaged in needless secular labor on the Sabbath day, most of them unwilling laborers, constitute an interest which ought to be the care of the Government and of legislation,

So we plead this as a question of rights. The American Republic had its birth in a contest for rights, and the noblest passages of our history have been those in which we have been involved in struggles for the maintenance and preservation of human rights.

We present this as a broad question of rights, the right of men, an inalienable right under the ordinances and appointments of our Creator, to one day of rest in seven. That amounts to one whole year in every seven years, seven whole years in every forty-nine, free for the highest uses, the highest ends of humanity.

The CHAIRMAN. Upon what ground do you base your claim that this Sunday rest is an inalienable right, like the right to life, liberty, and the pursuit of happiness?

Mr. STEVENSON. On the ground that it is a right given by the Creator of men and clearly revealed in His Word to all the children of men, just as the right to life and liberty.

I wish to present one point more. I refer to the recent movement on the part of the Government of Belgium. A report presented before the Belgian Parliament in the legislative chambers, by the minister for railways and the postal service, indicates the reforms towards which the Government there is striving. He says:

In the great railway workshops, where thousands of hands are employed in effecting repairs, all work has ceased to be done on the Sabbath, save in urgent cases where the heads of such departments have to justify their proceedings to the directors.

I have found, from strict statistical inquiries, that without interfering in the slightest way with commercial requirements, two hundred and fifty goods trains could be withdrawn on the Sabbath.

With regard to the post-office here in Brussels, we have ten deliveries a day, and we compel the postmen to continue this drudgery on the seventh day of the week likewise. Are we not bound, on the score of humanity and justice, to allow these men a little time for rest of body and quiet of mind? I propose to arrange matters in such a way that all correspondence shall be delivered in the morning, with two or three supplementary distributions during the day in the principal centers, so that no interest shall suffer seriously.

We have, as yet, no general distribution of mail by carriers in any American city, and it seems that these timely reforms which the Belgian minister has proposed we might anticipate in this country by the abrogation of the Sunday mail service, the discontinuance of Sunday mail trains, and of all kindred violations of the Sabbath.

The CHAIRMAN. Do you claim, from your stand-point, that the entire day, from midnight on Saturday until midnight on Sunday, should be observed?

Mr. STEVENSON. We claim that the entire day, one-seventh of the time, should be observed.

The CHAIRMAN. You place it on the ground of sacred obligation?

Mr. STEVENSON. Yes, sir; that the law of God in reference to the Sabbath is a law that binds nations and governments as well as individuals. We are unable to see how a nation or a government has any right to disregard the moral obligation of the Sabbath law.

Senator PALMER. You state that there is one person in the United States to whom is guaranteed exemption from labor on the Sabbath, namely, the President. Is that guaranteed to him by any phraseology in the Constitution?

Mr. STEVENSON. Yes, sir; the Constitution provides that the President shall have "ten days, Sundays excepted," for the consideration of any bill presented to him.

Mr. CALL. How about other matters besides bills?

Mr. STEVENSON. My point is that that establishes the principle, and that in consistency the Government of the United States ought to carry



out the same principle, as far its authority extends, in behalf of the humblest individual in the land.

The CHAIRMAN. Really, as a matter of argument, because of course you advance it seriously, can that be held to be in any sense more than a provision that the President is to have ten days, which everybody concedes to be days on which it is proper to work? He may conscientiously be opposed to work upon the Sabbath. Is not that simply this, that he shall have ten days when everybody is of opinion that he can work, and the seventh day he may work or not as he pleases in the consideration of bills?

Mr. STEVENSON. Certainly. That is my understanding.

The CHAIRMAN. It saves his right of conscience as well as other people's.

Mr. STEVENSON. I think that is precisely the meaning of the clause. It saves his right of conscience in the matter.

Mr. CALL. But how about the President's other duties? The legislative portion is a small part of the Executive duties. What provision of the Constitution is there that exempts the President from performing any other duties on Sunday?

Mr. STEVENSON. There is nothing.

The CHAIRMAN. He still might enforce the law in case of necessity to preserve public order. The laws are not suspended on the Sabbath. Is there any other point you wish to make?

Mr. STEVENSON. I submit the following document:

#### THE NATIONAL MAIL SERVICE AND THE SABBATH.

By the Rev. T. P. STEVENSON.

The American people are asked to unite in securing the discontinuance of the national mail service on the first day of the week, commonly called the Lord's Day. Certain forms of petition looking to this result will be found below.

In the present discussion of this question, it is assumed:

(1) That the law of God requires the observance of one day in seven as a day of rest and worship, and that this law is of permanent and universal obligation.

(2) That the human body and the human mind, as well as the beasts of burden and even the inanimate world, are so constituted as to require this weekly period of rest or change of occupation. The health and longevity of mankind are promoted, and the wealth of the community increases faster where the Sabbath is observed. The privilege, therefore, of devoting one whole day in seven to the interests of man's spiritual nature, without material loss and even with material advantage, is one of the greatest boons which the Creator has bestowed on our race. The right to this weekly rest is one of the most sacred rights of humanity. Whatever infringes on or imperils it strikes at the foundations of individual and public welfare.

(3) Since the weekly Sabbath is at once the great witness for the rights of God, and the great opportunity for religious instruction, it follows that morality and religion can not long survive among any people its overthrow or abandonment.

(4) The law of the Sabbath is binding on nations and governments as well as on individual men. This obligation has been recognized through our whole history by the general cessation of business in our courts and legislatures, and in all other departments of government on the first day of the week, and by the enactment of laws, in every State save one, to restrain and punish the desecration of the Lord's Day.

(5) The transportation and delivery of the public mails on that day can not be justified by any sound plea of necessity, especially in these days when the electric telegraph supplies the means of almost instantaneous communication and is ordinarily employed for all urgent messages. This was admirably presented once in a memorial of Glasgow workmen, asking for the release of public servants employed in connection with the postal and telegraph service on the Sabbath:

"Letters delivered on the Sabbath must have been posted not later than the previous day, so that telegrams forwarded on Saturday instead of them would have been delivered on the self-same day, and long before such letters; and letters posted on Sabbath are not delivered sooner than Monday, so that telegrams transmitted betimes on Monday morning instead of them would be received as soon as such letters. And



therefore a total cessation throughout the entire Sabbath from all postal work would not necessitate the transmission or delivery even of *telegrams* on that sacred day."

The national mail service on the Sabbath is therefore a violation of the law of God, and, although of long-standing, is inconsistent with the established institutions and best traditions of the American Government.

This document is addressed to those who are believed to feel and acknowledge the force of the foregoing considerations.

#### EXTENT OF THE EVIL.

The amount of labor performed on the Sabbath in connection with the mail service has greatly increased within the last few years, and is steadily and rapidly increasing. The great railroad lines are extending their connections, absorbing shorter roads, extinguishing local control, and welding them into great "systems" under distant management. Along all these through or trunk lines the mails are regularly carried on the Lord's day. The number of towns at which the mail is delivered, and the number of hours during which the post-offices are kept open on the Sabbath, are being constantly increased, and these post-offices are being increasingly resorted to by the public, and even by Christian people, on that day.

It has been commonly supposed that our great cities were the centers and seats of all those influences which are most powerfully prejudicial to a right observance of the day of rest. But, in the matter of the mail service, the desecration of the Sabbath is spreading far more rapidly in the rural districts than in cities. A very small proportion of the residents of cities ever go to the post-office. Their letters and papers are delivered by carriers at their homes. As there is no delivery by carriers on the Sabbath, there is no reception of mail matter on that day by the great majority of the citizens. We are well aware how soon and how sadly all this may be changed by the establishment of deliveries on the Lord's day in our cities, but the only efforts put forth in this direction heretofore have been successfully resisted. The extension of the mail service, however, on that day to interior towns has been followed there by a flood-tide of secular influences which are rapidly destroying all sense of the sanctity and peculiar obligation of the Lord's day.

Partial statistics have been gathered as to the amount of work done in the principal post-offices of the country on the Sabbath. That at Chicago may be cited as an example:

	Week days.	Sab- baths.		Week days.	Sab- baths.
Lamp-post box collections .....	3 to 7	2	Mails in .....	75	26
Deliveries by carriers .....	2 to 5	none	Mails out .....	79	24
Work hours .....	10	5	Total mails handled .....	154	50
Employees working .....	431	451	General delivery, open hours ...	14	1

Although, as appears from this table, there is no delivery by carriers in Chicago on the Sabbath, yet the same letter informs us that the three hundred and seventeen carriers must go to the post-office on that day to prepare the mails which come in for delivery on Monday morning. And we see that of four hundred and eighty-one employees, only thirty have the Sabbath to themselves.

#### RELATION TO OTHER EVILS.

If any one will glance at a complete railroad map of the United States and see the net-work of railways that lies on the land like the meshes of a spider's web, and will think of the endless procession of trains, passenger and freight, moving night and day along these arteries of travel and commerce, and will then remember that this system, to a large extent, continues its operations without regard to the Sabbath, he will form some conception of the magnitude of the evil which confronts us.

The number of passenger trains entering and leaving the Broad street station of the Pennsylvania Railroad in Philadelphia every Sabbath is about one hundred and forty-eight. The number varies from year to year, and at different seasons of the year, but the tendency is steadily toward the increase of the business done on the Sabbath. This is altogether exclusive of the freight business. The whole business is criminal. It is in plain violation of the law of God and of the laws of the States, and is, in almost every case, without excuse. The law of God is simply ignored. The laws of the Commonwealth are overridden because the penalties provided a hundred years ago are insufficient to restrain the great corporations of to-day, because the legislatures

refuse to increase them, and because the officers of the Government and the general public are indifferent to the enforcement of the law. But the whole nation is involved in the guilt of this vast system of Sabbath desecration through the action of the General Government in its demand upon the railroads for mail service on the Sabbath.

These facts are closely connected with this other momentous fact, that within five or ten years the great newspapers in nearly all our cities have begun the publication of regular editions on the Sabbath, and are making strenuous exertions to push them into wide circulation. Multitudes are not aware with what energy this assault upon the sanctity of the Sabbath is pressed, or at how many points. Some idea may be gained by observing what a single great newspaper is doing to extend the circulation of its Sunday issue. Many of the principal summer resorts are, like Saratoga and Newport, at points somewhat removed from the great arteries of travel, and the local roads which reach them do not run on the Sabbath. In order to place the Sunday Tribune in advance of all other New York papers in the hands of the multitudes thronging the hotels at Saratoga, its proprietors have for two years been running a train exclusively for this purpose, from New York to Schenectady, in advance of the mail and at a speed, in some places, of 6 miles in five minutes. At Schenectady the papers have heretofore been thrown to a pony express which completed the journey to Saratoga Springs. This year (1885), the newspaper has secured the service of a special engine on the Delaware and Hudson Railroad—hitherto, we believe, a strictly Sabbath-keeping road.

To Newport the Tribune has been carried on the Sabbath by a series of expresses in which several men successively took part. A swift horse carried the load in a light wagon from Narragansett Ferry to a point on the bay where a yacht was waiting, with sails raised to receive it. The course from this point to Newport was not a clear one. There was an island to cross. The bundles were hurried across in another vehicle, and received on the other side by another yacht which conveyed them to their destination. Greater speed and an earlier delivery have this year been secured by a slightly different route. Narragansett Pier, and Watch Hill, and Hartford, and New London, and other points in Connecticut and Rhode Island, Richfield Springs and the Catskills in New York, the Delaware Water Gap, Stroudsburg, and other places in Pennsylvania, have been reached by the same paper by similar means.

From the efforts thus made to reach points to which the mails are not yet available, we can readily infer the eager pressure which is exerted on the postal authorities to quicken and extend the mail service on the Sabbath for their benefit. Without the opportunity afforded by this service to reach a wide circle of readers, these Sabbath-breaking newspaper enterprises would not have been undertaken. Their very existence, with their illimitable influence for evil, is chargeable to the mail facilities furnished by the Government, and they, in turn, react powerfully on the Government to stimulate and extend the evil which creates their opportunity.

The example of the metropolitan journals, in this respect, is being followed by the newspapers in cities of the second class, until it is now estimated that there are nearly 500 newspapers in the United States which are issued seven days in the week. Every one of these is dependent, more or less, on the United States mail service for opportunity to reach its patrons. Every one of these exerts its influence to enlarge the area of that service on the Sabbath. To this whole vast system of Sabbath-breaking the national Government, through its mail service, becomes a consenting and contributing party. The "Sunday" newspapers, the United States mail service, and the railroads, constitute a triple unholy alliance against the right observance of the day of rest by the American people. The Government, in this matter, throws the weight of its august example against the interests of religion and good morals. The Sabbath mail service is even more demoralizing than other forms of Sabbath-breaking, because it is the act of the Government itself, while they are illegal—existing in defiance of law. These facts constitute a veritable crisis in the history of the country, and set before the people one of the gravest problems which they have ever been called to consider.

#### EFFECTS ON MORALS AND RELIGION.

The sanction of law reconciles many consciences to what would otherwise be seen to be great evils. Testimony carefully gathered from various sections of the country reveals the fact that the local post-office open on the Sabbath is a sluice-gate through which a flood of secular reading and correspondence pours into even Christian homes. Over wide sections of the country the arrival of the Sabbath morning mail from the city is the signal for the resort of multitudes to the post-office. Christian men and women, on their way to and from the sanctuary, swell the throng. The afternoon of the day is surrendered to secular things. The step to common labor on the Sabbath, on some plea of necessity, is not a long one. The rapid multiplication of Sabbath-breaking occupations in all our centers of population is a legitimate outgrowth of this planting. The three allied forces referred to above are eating like a canker into Sabbath-keeping principles and practices even of the professedly



Christian public. There is no other point at which Sabbath-breaking customs so successfully invade the lives and the homes of Christian people, and no other at which resistance and protest are more greatly needed.

It requires no prophetic gift to foresee the consequences which must flow from the continued operation of these forces. As public sentiment learns to tolerate and to demand this supply of secular reading on the Sabbath, all the instrumentalities of diffusing it will be enlarged and extended. The number of post-offices permitted to remain closed on the Sabbath will steadily diminish. The number of persons who will consent to receive, or will demand, their mail on the Sabbath, will continually increase. The demand for the delivery of letters from house to house in cities on the Sabbath will be renewed and granted. Stores and counting-rooms will gradually be thrown open that the letters thus delivered may be received and answered. Open for this purpose, other business will be transacted. Express companies will be urged to receive and forward parcels of goods for which the Sabbath morning mail brings pressing orders. Merchants who would prefer to respect the Sabbath will grow restive under the seeming advantages gained by conscienceless competitors.

Christian principle, weakened by small concessions and undermined by treacherous currents on every side, will gradually cease its resistance, save in the bosoms of a few who will hold to the precepts of God's law and the memories of better days; and the Sabbath of the Lord, the Sabbath of our fathers, the Sabbath whose due observance is the chief pillar of national virtue and welfare, will be to all appearance lost in a rushing tide of lust for pleasure and lust for gain. With the loss of the Sabbath religion will perish; for history and the word of God bear witness that faith in things unseen will not long survive where the Sabbath, God's chief witness among men, has ceased to give its testimony. The natural, almost inevitable, effect of the maintenance of religious forms and usages while the habitual violation of the moral law is tolerated, will be a harvest, first of formalism, and then of unbelief.

Infidelity and irreligion will sweep over the land; churches will be neglected; the great evangelistic agencies of to-day, which are leavening our own and other lands with the gospel, will be shorn of their strength; the children of those who throng our sanctuaries to-day will become infidels and worldings; our schools and colleges, perverted to secular education, will be seminaries of atheism; and only as she is scourged back to God and to duty by terrible judgments, can it be hoped that the nation will recover the advantage which to-day she is so wantonly casting away. Even if there be small hope of immediate success, effort against these on-coming evils will not be lost. It will have a valuable effect on the church and on the public, quickening Christian consciences, restraining many from falling into the use of the Sabbath mails, and so tending to prevent an increase of the evil.

#### FORMER ACTION OF CONGRESS.

A powerful incentive to effort in this behalf is found in the action which has formerly been taken by Congress.

In the years 1823-'29 numerous petitions against the mail service on the Sabbath were sent up from no less than twenty-one different States. These petitions were supported by powerful arguments. In one it was reasoned:

"During the session of Congress in 1828 (on the 12th of May and the 8th of July) the House was not permitted to proceed with business on Sabbath morning by reason of the steady and firm resistance of a large number of members who refused to recognize the propriety of proceeding with their ordinary business on that day. The votes for adjournment were nearly equally divided, and more than once lost by the casting vote of the chair. Members then declared that they would leave the House and not return before Monday morning, unless brought in by force, and very properly contended that no authority existed to compel their attendance on the Lord's Day; and the House on both occasions was compelled to adjourn. \* \* \* Now, since those men would not consent to labor a few hours on one or two Sabbaths in a year, with what consistency can they compel many thousands of their constituents to labor every Sabbath in the year?"

"Among the amendments to the Constitution, and equally binding, is the following—Article I.: 'Congress shall make no law respecting an establishment of religion, or to prohibit the free exercise thereof.' Now place beside this the clause: 'And it shall be the duty of the postmaster, at all reasonable hours, on every day of the week, to deliver on demand any letter, or paper, or packet, to the person entitled to or authorized to receive the same,' and see whether a conscientious Christian can be a postmaster and at the same time enjoy the free exercise of his religion. If Congress has a right to require such labor, can it not require many other things contrary to the Christian religion, as that every member of Congress, of the Executive, and every officer of the General Government, shall on every day of the week attend to the duties of his appointment, until every Christian shall be excluded from office? But would not such laws prohibit the free exercise of religion, and be unequal and unconstitutional?"



Would not this be as effectual a 'religious test' as to require a belief in a particular system of religion as a qualification for office? \* \* \* But if the clause complained of be not a violation of that instrument (the Constitution), it is against the constitution of heaven. And what people ever prospered legislating against God?"

The action of Congress upon these petitions is embodied in a report prepared by Richard M. Johnson, of Kentucky, and presented in the Senate January 19, 1829. The general tenor of this report is to the effect that the American Government can not, consistently with its own character, take any cognizance of the law of God as a reason for its public acts. In that report occur such sentences as these:

"Your committee look in vain to the national Constitution for a delegation of power authorizing Congress to inquire and determine what part of time, or whether any part of time, has been set apart by the Almighty for religious exercises. \* \* \* The committee might here rest the argument on the ground that the question referred to them does not come within the cognizance of Congress. \* \* \* However suitable such inquiries and decisions might be to an ecclesiastical council, they are incompatible with a Republican legislature, which is purely for political and not for religious purposes. \* \* \* It is the opinion of the committee that the subject should be regarded simply as a question of expediency, irrespective of its religious bearings. In this light it has hitherto been considered. Congress has never legislated on the subject. It rests, as it has ever done, in the legal discretion of the Postmaster-General, under the repeated refusals of Congress to discontinue the Sabbath mails."

The decision then reached remains to-day as the latest decision, and the report which recommended it as the latest utterance of the American Congress on the subject to which it refers. For fifty-one years it has stood without reply and without protest. It is constantly appealed to by the enemies of all Christian features in our Government. It gives aid and encouragement continually to those who are laboring to break down the safeguards of the day of rest. The struggle with the slave power, the war with the rebellion, the reconstruction measures, the temperance conflict, have absorbed the attention of the Christian public to the neglect and exclusion, in large measure, of the whole Sabbath question. But many circumstances—none more than its vital connection with the temperance reform—are combining now to bring it into prominence. Its renewed discussion can not long be postponed. It ought not to be postponed for a day. And can any better point be found at which to resume the discussion than that at which it was broken off fifty-five years ago—the national mail service and the Sabbath? Ought that report and that decision to remain any longer on the records of the Government, and to operate as they are still operating in the minds of the people, without reargument and without protest? Whatever the issue of the present effort, it can not make the situation worse than it is to-day. Nothing could be worse than the last recorded decision of the Government, in the terms of the above report.

#### THE RIGHTS INVOLVED.

The American people are jealous of interference with individual or public rights. They have good reason for this jealousy. This nation had its birth in a contest for rights. Our gravest controversies since have been for the vindication of human rights. Nations are powers ordained of God for the maintenance of rights, and the nation which fails or refuses to maintain these will be thrown aside like a bow which shoots deceitfully. What rights are involved in this question?

(1) The rights of God, the Creator, the Author of the Sabbath law, are trampled on and disregarded by all unnecessary secular labor on that day. This argument is of force only to those who believe in the divine obligation of the Sabbath. But these constitute, we believe, a majority of the American people.

(2) The rights of the Christian majority of our population are violated when the action of the Government is hostile or injurious to the interests of the Christian religion. The church in America has relinquished much of that claim to national favor and assistance which in other lands it has been thought well to maintain. But the American Government can not set itself in open opposition to Christianity, while the majority of the people are Christians, without violence to their most sacred rights. The people have the right to demand that the money which they pay to the support of the Government shall not be used to overthrow and break down the system of faith and morals which they hold most dear.

(3) The rights of officials and employés of the Post-Office Department are violated by the mail service on the Sabbath. The right to one day in seven—and that the day fixed by custom, by statute, and by the law of God—for rest and for worship is one of the most sacred rights of humanity. It is a right inalienable by any action of the individual or of society. No man has the right to sell his labor on the Sabbath. No man, no body of men, have the right to hire another man to work on the Sabbath. No community, no Government, has the right to establish regulations which interfere with any man's right to the Sabbath. All such regulations are oppressive, and

expose the authorities which enact them to the displeasure of Him who regardeth the cry of the oppressed. The only exception which can be admitted is "works of necessity and mercy." The claim of the mail service to the cover of this exception has already been examined. It has been estimated that 150,000 persons in the United States are deprived of the whole or a part of every Sabbath, to attend to the carriage and distribution of the mails. All these persons are compelled to choose between the loss of employment and the performance of secular labor on the Lord's Day. When the Christian people of the United States have considered this subject they will demand that this system of oppression shall cease.

#### THE WHOLE NATION RESPONSIBLE.

The action of the Government in this matter involves the whole nation in guilt and exposes the whole people to the righteous judgments of God. No man can say, "I never used the mails on the Sabbath; I am therefore not responsible." When irreligion and vice unsettle the foundations of social welfare, no man can assure himself that his personal or domestic interests will not be imperiled. When Israel went into captivity "that this land might enjoy her Sabbaths," the whole people suffered. A nation is justly held responsible for the action of its Government, because the nation is greater than the Government, and can reform it at pleasure. The violation of the Sabbath by the mail service involves in guilt not merely the officials in charge of the Post-Office Department, but the American people. The people have direct, legitimate, and, in some sense, authoritative access to the Government. Those who desire or would insist on the continuance of the Sabbath mail service, in the face of such considerations as we have urged, are a small minority of the population. It is only necessary for the people to speak; the Government will obey their voice.

#### THE PRESENT EFFORT AGAINST THIS EVIL.

The National Reform Association which issues this document was organized some years ago, among other purposes, "to maintain existing Christian features in the American Government, and to promote needed reforms in the action of the Government touching the Sabbath, the institution of the family, the religious element in education, the oath," etc. This work, therefore, since it concerns the action of the Government, lies within the proper field of this association. The list of officers appended below attests its representative, unsectarian, and thoroughly national character. It seeks, in this effort, to co-operate with and to supplement the labors of any other committees or associations which are seeking the same end. Its officers and members are deeply sensible of the gravity of the question at issue, and of the earnestness of the controversy which will arise upon it. But they believe the hour is ripe for the renewed discussion of this subject, and, with God's help, they will not falter in the task until the matter shall be settled in accordance with the law of God.

They hope, moreover, that this will prove to be but one part of a great work of Sabbath reformation, embracing many other practical questions and bearing all forward to a right and permanent settlement. Every such issue raises the whole question of the obligation and right observance of the day of rest. The discussion of one such issue assists the discussion of every other. The neglect of any one retards the consideration and settlement of all. We undertake this special work because it lies within our special field, but we feel that in so doing we are the helpful allies of all who are laboring, in any way, for the preservation of the Sabbath. And we shall succeed—not this year, nor next year, nor, perhaps, for many years. But the ultimate triumph of the Sabbath cause is among the "sure mercies" which God has promised to the church and to the world. And this, with God's blessing, we shall even now do. We shall lift this question out of general inattention and neglect, and set it on high, where it shall not again be lost sight of. We shall quicken Christian consciences, and evoke the testimony of the church, and enlist the co-operation of earnest men and women. All this will be positive and immediate gain, and will augment the forces which will ultimately determine the action of the Government.

Other organizations, too, are working for the same result. The form of petition which we subjoin was prepared some time ago by the International Sabbath Association, with the approval of the Post-Office authorities at Washington, and has been widely circulated. Some excellent documents on the subject have been issued by the same society. The Woman's Christian Temperance Union has created a department for the suppression of Sabbath desecration, and has already begun to agitate the discontinuance of the mail service on the Sabbath. All local Sabbath associations and committees will lend their aid. New friends and helpers will be found as the discussion goes on. The National Reform Association simply desires to contribute its share to the efforts which will one day secure this public and significant standing acknowledgment, by the American Government, of the obligation of the Christian Sabbath.



This document will be sent, as fast as means are secured for the purpose, to all newspapers, secular and religious; to all ministers of the gospel; to all woman's Christian temperance unions; to all Sabbath committees and associations, and to other persons and societies likely to be interested in the movement.

It will be followed from time to time by other documents, to which similar currency will be given.

Copies of the petition appended below, in suitable form for circulation, will be sent to all pastors, and to woman's Christian temperance unions, and will be furnished freely to all who will apply to the address of the corresponding secretary given below.

These petitions, as they are returned to the office of the National Reform Association, will be classified by Congressional districts, and placed in the hands of Representatives and Senators for presentation to Congress. In every case the matter will be pressed on the attention of Congressmen in personal interviews.

Those who favor the proposed measure are requested to write personal letters to their Representatives concerning it, and to defend and urge it in the columns of the public journals to which they have access.

All ecclesiastical courts and other religious assemblies, and all conventions interested in measures of reform are requested to take suitable action and forward the same to their Representatives in Congress, and to religious and other journals for publication.

On the strength of the facts and arguments set forth in this document we hope for the general and earnest co-operation of Christian citizens.

#### PRACTICAL SUGGESTIONS.

For the sake of those who labor in our post-offices and in transporting the mails it is recommended that Christian men avoid, as far as possible, the mailing of letters and other matter as the Sabbath approaches. The following conversation between the editor of the Christian Instructor of this city and one of the clerks of the Philadelphia post-office, related in the issue of that journal for July 16, 1885, is suggestive:

CLERK. "I have been surprised at religious people; they are the most exacting people the laboring man has to deal with. Christian journals say that we ought to 'remember the Sabbath day to keep it holy,' etc., and yet late Saturday night some of them will bring large quantities of mail matter to the office and insist that it must be sent off immediately, and they have even come on the Sabbath with mail matter to have it sent off. Now, this compels us to work all day Sabbath just as on other days, and we get no rest."

EDITOR. "The Instructor makes it a point never to bring mail so that it will have to be handled on the Sabbath. If our mail matter is not likely to reach its destination before the Sabbath it is retained until Monday, except in the case of long distances, where it is not possible to send our mail without its being out over Sabbath."

CLERK. "Well, that is not so generally. Some of the largest religious publishing houses in the city" [here he mentioned several by name] "bring their mail late Saturday, so that it all has to be handled next day, and it just keeps us busy all day long. This kind of conduct shows a want of sincerity in church members and destroys all confidence when preachers and public leaders tell us that we must keep the Sabbath day and then compel us to break it."

The Government will be more ready to discontinue the mail service on the Sabbath if the mails are notably lighter on that day than on other days. Large business firms and publishing houses, especially, can make their influence felt in this way.

The Rev. Prof. A. Rittenhouse, of Dickinson College, Pennsylvania, in a note to the Christian Statesman, suggests that Christian men, publishers, and business firms have their letters stamped with this direction to postmasters, "This letter is not to be dispatched or delivered on the Sabbath," and adds:

"I believe that such a notice on envelopes would do good. Every one of them would be a silent protest against the Sunday mails, and letter-carriers and others who are compelled to handle mail matter on that day would hail them with gratitude."

The suggestion is judicious and practical. The effect of such a protest could not fail to be considerable, and in many quarters which could not otherwise be easily reached. There are Christian men who send out hundreds of thousands of letters every year, and who, without a farthing of expense to themselves, could in this way make every letter "a preacher of righteousness" to the Government and to the nation.

#### SIMILAR MOVEMENTS ABROAD.

While these pages are being prepared for the press it is announced in the foreign dispatches that the socialists of Germany have been demanding the weekly rest, though not on religious grounds, and that the Imperial Government has promised to investigate "the whole question of Sunday labor."



The Austrian Government, it is also announced, has issued stringent regulations against any common labor on the Sabbath. In consequence of this change there have for some weeks been no newspapers in Vienna on Monday morning. The regular issues appear on the Sabbath, work is then suspended until Monday, and the papers re-appear on Tuesday morning. So welcome is the general relief from the oppression of uninterrupted toil that there has been no complaint over the omission of the Monday papers. The publication of the papers, however, on Sabbath morning is wholly indefensible. The work done on Saturday would provide for Monday's paper as well as for one published on the Sabbath. There is no necessity, as has been demonstrated by some of the most successful papers in the United States—notably the New York Journal of Commerce—for a single hour of Sabbath work on a Monday morning paper.

A similar movement in Belgium is set forth in the following extract from a speech recently delivered in the legislative chambers by the minister for railways, telegraphs, and the postal service. After reviewing the opinion of his predecessor, who had thought it unwise to attempt any change, the present minister said:

"Now, my reforms are these: In the great railway workshops, where thousands of hands are employed effecting repairs, all work has ceased to be done on the Sabbath, save in urgent cases, when the heads of such establishments have to justify their proceedings to the directors. The freight offices in the cities and larger towns are closed after the mid-day dispatch. I have found, from strict statistical inquiries, that, without interfering in the slightest way with commercial requirements, two hundred and fifty goods trains could be withdrawn on the Sabbath. With regard to the passenger-railway traffic, no curtailment will at present take place. As yet Belgium is not ripe for such a movement. A great reform, it seems to me, would be compromised by urging this prematurely. With regard to the post-office here in Brussels we have ten deliveries a day, and we compel the postmen to continue this drudgery on the seventh day of the week likewise. You all know what an estimable and thoroughly duty-going set of men our postmen are. Are we not bound on the score of humanity and justice to allow them a little time for rest of body and quiet of mind? I propose to arrange matters in such a way that all correspondence throughout the country, without exception, shall be delivered in the morning, and that at the principal centers there shall be organized two or three supplementary distributions during the day, so that no interest shall suffer seriously."

The attentive reader will see at once how far more favorable are the state of public opinion and the habits of the people in the United States than in Belgium and other European countries to the inauguration of such a reform as we propose. There the minister apologizes for and defends the reduction of deliveries by carriers on the Sabbath from 10 to 3 or 4. Here we have, as yet, no delivery by carrier in any of our cities. All the reforms he so timidly proposes, if successfully carried out, would not bring Belgium up to the point even now occupied by the American people. No considerations of expediency forbid us to take the true and consistent ground. Public sentiment here is not so far corrupted as to make it unwise to propose the entire discontinuance of the mails and of railroad traffic on the Lord's Day. Unless, however, an arrest can be placed on the growing desecration of the Sabbath by the postal service, we shall gradually conform ourselves to the European standard. We shall make progress in one direction or in the other. We shall either regain what we have lost, or we shall continue to lose. While Europe is thus struggling painfully to recover her lost Sabbath, let us lead the way in kindred efforts, and, with God's blessing, in substantial victories here.

#### REMARKS BY REV. F. W. CONRAD, D. D.

Mr. CRAFTS. The next representative will be Rev. F. W. Conrad, D. D., of Philadelphia, editor of the Lutheran Observer, who will speak in behalf of those Germans who love the Sabbath.

Mr. CONRAD. Mr. Chairman and gentlemen of the committee: As has been said, I am to speak concerning the views and positions of the Germans in this country, most of whom are Lutherans, on this Sabbath question.

The Germans, as you know, are a constitutionally religious people, chosen by Providence to be the agents to introduce Protestantism; but they have deteriorated, as other nations have done.

Taking the tide of emigration that has been flowing over here for more than two hundred years, from the time when the Swedes arrived

on the banks of the Delaware before Penn, and the Germans soon afterwards, the emigration has deteriorated. The Germans, who for the last five or ten years, or probably more, have been emigrating to this country, who are free-thinkers in their belief and socialists in their political views, we are told by those who understand the matter are a lower grade of German emigration, and they have at last thought themselves so strong and formidable that they have organized associations all over the country termed personal liberty leagues, one of the essential purposes of which is to overthrow the laws that protect the Lord's Day, the Sunday, the Christian Sabbath. Those associations have become somewhat formidable, and, having thrown themselves into the political arena, they have become a factor in American politics as well as in the religious development in America.

I desire to speak for the evangelical portion of the German emigration who are Lutherans and also Reformed Evangelical Christians, as we call them. In regard to their position on the Sabbath, while they differ relatively as to the basis on which the Christian Sabbath now rests, and also in regard to the manner of observing the Sabbath, they are, I should say, universally in favor of maintaining the Sabbath laws that exist in America.

To show how the elevated Christian Germans and Lutherans feel on the subject, I will state that when this personal liberty movement began in Philadelphia, where there are so many Germans, and where, I think, it was born, Dr. William J. Mann, for twenty-five years the pastor of the largest German church in Philadelphia, now professor in the Philadelphia Theological Seminary, one of the strongest seminaries in this country, felt himself called upon to write a plea against this personal liberty movement, in which he pointed out the wrong these Germans were doing and the propriety of the establishment of the Sabbath. He also vindicated the establishment of the Sabbath and pointed out to them the impropriety and wrong for them, as emigrants to this country, to endeavor to uproot these institutions and to control the country in that respect. The Philadelphia Sabbath Association has published that as a tract, and sent out 20,000 copies of it; is distributing it now, and Dr. Mann put his own name to it, to receive the opposition of his own countrymen, if they saw proper to pour it upon his head.

In regard to the significance of the German Lutheran development in this country, I desire to say that it is becoming more and more significant both in our religious and political life in America. Professor Marsh said thirty years ago that one-half of the American nation was of Teutonic origin already, and that the Germans had carried into their language all the learning of the world. The emigration that is now coming to this country adds to the Lutherans more than 100,000 a year, so that the Lutheran is now the third denomination in the land; and as they have the half of Protestantism to draw from, our Methodist and Baptist brethren will have to go on double quick if these German Lutherans do not overtake them by and by and become the strongest denomination in this country.

So we desire to testify for this great nationality that constitutes such a large mass of the American church and of the American state that on this question those who are evangelical and have not departed from the faith of their fathers, from the positions of Luther and Melancthon, and the Confession of Augsburg on the Sabbath, stand for the Sabbath law and will maintain it with their American countrymen. [Applause.]



## REMARKS BY REV. A. H. LEWIS, D. D.

Mr. CRAFTS. We shall now grant to an opponent of the bill, a representative of the Seventh-Day Baptists, Rev. A. H. Lewis, D. D., the time which he asks.

Mr. LEWIS. Mr. Chairman and honorable Senators: I appear, under the instruction of the American Sabbath Tract Society, before this committee as a representative of the Seventh-Day Baptists in the United States. What I am about to ask intimately concerns a large number of people other than the Seventh-Day Baptists, such as Seventh-Day Adventists and Jews, though I am not commissioned to speak for them at this time.

We respectfully ask that the bill now under consideration be added to, as follows:

SEC. 7. Persons who observe the seventh day of the week as the Sabbath shall be protected in such observance equally with those who observe Sunday; they shall also be exempt from the provisions of this bill relative to "secular work, labor, or business," both as to the performance of the same and compensation therefor.

We ask such protection and exemption on the broad ground of conscientious and constitutional rights in matters of religion, not as a concession to a minority. We observe the Sabbath rather than the Sunday from a deep religious conviction that we can not obey the divine law in any other way. For more than two hundred years, in the United States, the Seventh Day Baptists have submitted to the unavoidable difficulties which at best are associated with their religious convictions. This fact forbids question as to the character of these convictions. It is also one reason why we appear here to ask equality before the law.

When, from conscience toward God, we obey one part of the fourth commandment, by keeping the seventh day, it is manifestly unjust for the Commonwealth to require us to disobey another part of the divine law, which requires men to work six days. Such a requirement compels them to violate conscience, or lose one-sixth of their time for secular duties.

That is now the case in several of the States. The business men of the church of which I am pastor in the city of Plainfield, N. J., conduct very little business except on five days in the week. Most of them are doing business either in the city of New York or in the city of Plainfield. We submit to this as one of the inconveniencies of our belief, and only ask that the law, especially the national law, shall not make the inconvenience greater.

Such compulsion contravenes the fundamental principles of religious liberty. Hence we ask freedom and protection in the exercise of those inalienable rights which exist in the nature of God's government and of this Republic. These rights belong to men as individuals, not as a mass; to minorities as well as majorities. Human legislation does not create them. It is bound to respect them.

What we ask should be granted the more readily since the state of things which this bill seeks to remedy does not and can not arise from the exercise of these rights by those who observe the Sabbath instead of the Sunday. Sunday mails, Sunday newspapers, Sunday commerce, Sunday excursions, and Sunday games abound because those who claim some sort of regard for Sunday institute and carry forward these things. If Sunday, now so sorely wounded, is finally slain, it will be at the hands of its friends, and not of those who, having kept the Sabbath, seek to use Sunday for legitimate secular affairs.



In several instances under State laws which grant no exemption such as we here ask, Sabbath-keepers have suffered fines and imprisonment for pursuing agricultural and other quiet pursuits on Sunday. Our plea at this time is urged lest the national sanction be placed on such injustice. When this bill becomes law we ask nothing which can be construed as favoring unwholesome and obnoxious business on Sunday. On the contrary we join heartily in all Sunday legislation against saloons and saloonism, and beg to suggest in passing that little can be hoped for in legislation against the saloon on Sunday, its harvest day, because the masses are at leisure, when it is permitted full freedom on all other days.

The CHAIRMAN. Would you be willing to see yourselves or the public restrained on the Sabbath with reference to anything in which the law does not already restrain everybody upon week days? For instance, take the case of the saloon of which you speak. You are willing to see it restrained on the Sabbath.

Mr. LEWIS. Most assuredly.

The CHAIRMAN. You are equally willing to see it restrained upon all other days?

Mr. LEWIS. Most assuredly. We join heartily in all such legislation. We only ask that the privilege to pursue legitimate business which is permitted to other people upon the seventh day shall be permitted to us on the first day.

The CHAIRMAN. Any legitimate business pursued by other people on the six secular days you wish to be allowed to pursue on the seventh?

Mr. LEWIS. Yes, on the first.

The CHAIRMAN. On the first, I meant to say.

Mr. LEWIS. We further ask to be permitted to observe the seventh day as a day of religious worship.

The CHAIRMAN. You claim that to you business is legitimate on the first day which to other people is legitimate on the remaining six days?

Mr. LEWIS. We do. I use the term legitimate in the sense of a business that is wholly in keeping with the best interests of good order; like agriculture.

The CHAIRMAN. You claim then, that if a railroad train should fall into the hands of Seventh-Day Baptists they could run it upon the Sabbath without restraint?

Mr. LEWIS. They could run it without restraint unless it was shown to be to the disadvantage of the Commonwealth, in which case they should be restrained as others who infringe upon the interests of the Commonwealth.

The CHAIRMAN. In other words, if it was deemed by the majority to be for the interest of the Commonwealth to observe the first day as a day of rest, you would think it would infringe in no way upon the right of a Seventh-Day Baptist that he should be restrained from doing legitimate work to the same degree that other people are?

Mr. LEWIS. We should not ask for any exemption which other people do not ask, unless the absence of that exemption deprived us of such legitimate work as is the privilege of each man to pursue for his livelihood.

The CHAIRMAN. If it were the opinion of the majority of the community that to run a railroad train by Seventh-Day Baptists disturbed others upon Sunday, do you think they would have a right to do so because they had observed some other day?

Mr. LEWIS. So far as the mere matter of disturbance is concerned we should feel that that was not a standard sufficiently defined nor high

enough to justify legislation upon a question of this kind—prohibiting our rights; but if the pursuing of railroad business upon the first day of the week by Seventh-Day Baptists, or any others, were shown to be necessarily inimical to the best interests of the commonwealth, we would agree that it should be restrained.

We further ask that such phrases as “and to promote its observance as a day of religious worship,” in the title of the bill, and the similar expression, “Secure \* \* \* the religious observance of the Sabbath day,” in section 6, be stricken out. Law should protect religious services and religious observances on all days alike. It contravenes religious liberty and the Constitution of our Republic when it attempts to go beyond this.

We further suggest for the consideration of the honorable Senators that the present state of things concerning Sunday observance has not come about for want of Sunday laws. Beginning with the early colonies, most rigorous Sunday laws were enacted and enforced. These have been modified, and have remained unenforced because of changes which have taken place in the public opinion of the land. This change in public opinion has been as strongly marked in religious circles as elsewhere. Primarily and fundamentally the question of Sabbath observance is a religious one. The results which this bill seeks to attain can be reached only through the channels of religious, moral, and economic reform.

I submit to the committee, as bearing directly upon the subject under consideration, the preface to “A Critical History of Sunday Legislation from 321 to 1888 A. D.,” a work from my pen:

This book enters a field not hitherto occupied in the literature of the Sunday question. Sunday legislation is more than fifteen centuries old, but the general reader has not hitherto been able to know accurately either its extent or its specific character. The following pages answer many questions which are pressing to the front. Existing Sunday laws are much disregarded, and many contradictory theories are put forth relative to them. Much that is said concerning them is superficial and impertinent, because men do not understand their origin or their history.

The surpassing value of the “historic argument” is slowly gaining recognition. History is an organic whole, a series of reciprocal causes and effects. No period can be separated from that which has gone before nor be kept distinct from that which follows. Herein lies the value of facts like those which compose this volume. Every effort to remodel existing Sunday legislation or to forecast its future must be made in the light of the past. It is not the province of this volume to pursue an argument relative to Sunday legislation, but rather to present those facts on which intelligent conclusions must be based.

The first Sunday legislation was the product of that pagan conception so fully developed by the Romans, which made religion a department of the state. This was diametrically opposed to the genius of New Testament Christianity. It did not find favor in the church until Christianity had been deeply corrupted through the influence of gnosticism and kindred pagan errors. The Emperor Constantine, while still a heathen—if indeed he was ever otherwise—issued the first Sunday edict by virtue of his power as pontifex maximus in all matters of religion, especially in the appointment of sacred days. This law was pagan in every particular.

Sunday legislation between the time of Constantine and the fall of the empire was a combination of the pagan, Christian, and Jewish cults. Many other holidays—mostly pagan festivals baptized with new names and slightly modified—were associated in the same laws with the Sunday.

During the Middle Ages Sunday legislation took on a more Judaistic type, under the plea of analogy, whereby civil authorities claimed the right to legislate in religious matters, after the manner of the Jewish theocracy.

The Continental reformation made little change in the civil legislation concerning Sunday. The English reformation introduced a new theory and developed a distinct type of legislation. Here we meet, for the first time, the doctrine of the transfer of the fourth commandment to the first day of the week, and the consequent legislation growing out of that theory. The reader will find the laws of that period to be extended theological treatises as well as civil enactments. The Sunday laws of the United States are the direct outgrowth of the Puritan legislation, notably of the Crom-



wellian period. These have been much modified since the colonial times, and the latest tendency, in the few cases which come to direct trial under these laws, is to set forth laws of a wholly different character through the decisions of the courts.

In the Sunday legislation of the Roman Empire the religious element was subordinate to the civil. In the Middle Ages, under Cromwell, and during our colonial period, the church was practically supreme. Some now claim that Sunday legislation is not based on religious grounds. This claim is contradicted by the facts of all the centuries. Every Sunday law sprung from a religious sentiment. Under the pagan conception the day was to be "venerated" as a religious duty owed to the god of the sun. As the resurrection-festival idea was gradually combined with the pagan conception, religious regard for the day was also demanded in honor of Christ's resurrection. In the middle-age period sacredness was claimed for Sunday because the Sabbath had been sacred under the legislation of the Jewish theocracy.

Sunday was held supremely sacred by the Puritans, under the plea that obligations imposed by the fourth commandment were transferred to it. There is no meaning in the statutes prohibiting "worldly labor," and permitting "works of necessity and mercy," except from the religious stand-point. There can be no "worldly business" if it be not in contrast with religious obligation. Every prohibition which appears in Sunday legislation is based upon the idea that it is wrong to do on Sunday the things prohibited. Whatever theories men may invent for the observance of Sunday on non-religious grounds, and whatever value any of these may have from a scientific stand point, we do not here discuss; but the fact remains that such considerations have never been made the basis of legislation. To say that the present Sunday laws do not deal with the day as a religious institution is to deny every fact in the history of such legislation. The claim is a shallow subterfuge.

Let the reader note that specific legislation against the liquor traffic and its evils upon Sunday does not come under this head. Such legislation is no more pertinent to Sunday than to any other day, except that as a day of leisure Sunday offers greater opportunity for rioting and criminality. This is reason enough for the most stringent legislation against the liquor traffic on that day.

The writer is not unaware that the just and unavoidable conclusions to which the following facts compel will overthrow many pleasant theories and destroy some cherished hopes connected with Sunday legislation. Some minds will deem it sacriligious to oppose these facts of history to revered notions so long untouched. Such considerations are of little weight when one remembers "that no question is settled until it is rightly settled." Facts are stubborn because they are eternal; and the theory which attempts to ignore them insures its early destruction.

### REMARKS BY REV. GEORGE ELLIOTT.

Mr. CRAFTS. Rev. George Elliott, pastor of the Foundry Methodist Episcopal Church, of this city, and author of "The Abiding Sabbath," will now speak.

Mr. ELLIOTT. Mr. Chairman and Senators: I wish to say simply a few words with reference to the very fair statement of Dr. Lewis, mainly to call your attention to the fact that he admits this subject is one solely of legislative discretion. The question of religious belief, the theological questions which interest those of us who suppose that we are experts, are questions that we would be happy to instruct you in on the Lord's day and on other proper occasions, but we can bring here only such arguments as address themselves to the legislative reason. If it shall seem to be within the range of right and justice that you enact as a national law the observance of a day of rest and you look about to select that day of the week which will best accommodate all citizens, I have no fears as to what day you will select.

Of the Seventh-Day Baptists, so ably represented by Dr. Lewis, and the Jews, who I do not understand are asking anything of this committee either for or against the bill, there were at the last census but two-sevenths of 1 per cent. of the entire population. The larger portion of our Jewish fellow-citizens are not at all actively inimical to Sunday laws. I observe that a great portion of them find it very easy to reconcile Saturday selling with their consciences.



It must be remembered that the bill before the committee applies to the territory under the direct jurisdiction of Congress. In that territory the proportion of seventh-day observers will disappear to an almost invisible fraction. Most of them live in small communities in the several States.

So the question which you have to consider, it seems to me, is simply the general interests of the commonwealth. Whether you shall deem it wise to make any form of exception with regard to persons who conscientiously believe Saturday to be a holy day is a question for you to decide. But I must insist that the exception to which Dr. Lewis objects, that they shall not in such service or work disturb others, is one which is essential to the very existence of such a day and such a law as we ask at your hands. Your petitioners are only asking that the National Government within its jurisdiction give similar legal protection to the Sunday that is already given by nearly all the States. That ought not to be considered a large or unreasonable demand.

It has already been remarked that Sunday legislation is in some sort a part of the common law of the Anglo-Saxon peoples. It antedates what is known as statute law by great distances. It is in the old constitutions or judicial codes which are back of the time of Edward the Confessor. The code of Alfred the Great begins with the Ten Commandments, and repeatedly enacts penalties for violating the first day of the week, or the Lord's Day. In the codes of Athelstan and Edgar the Peaceable, and away back even in the old days of the Saxons, when England was divided between West Saxon and Kent, there were Sunday laws. It is a part of the very constitution of all the English-speaking peoples, a part of their laws and immemorial custom. Sunday is a non-legal day, as has already been observed, by the recognition of even the Constitution of the United States. The President is not compelled by law to do any work on Sunday. He is given ten full days for the consideration of all bills. As to his executive business, I do not know that you have any way to compel him to perform it, unless he should neglect his duties on any day. He disposes of his own time; but in the only work that you can require at his hands you give him the day of rest. We only ask you to give it to all other workers as well.

It has been remarked by Dr. Lewis that there is no want of Sunday legislation. There is, indeed, no want of State legislation on the subject, except in some remote localities. Perhaps we would desire some amendments and improvements in the laws of many States, but there is an almost entire want of national legislation. The President of the United States has called your attention, in his recent message, to the recommendations of the Commissioners of the District of Columbia, and the fact that the confused state of the Sunday laws in this very community, in which many of us live, require some action by Congress. I have hardly dared to speak it publicly, for fear that advantage might be taken of it by saloon men and others, but it is very uncertain whether we have any Sunday laws whatever, in this District, which can be relied upon to stand the test of judicial analysis.

There is want of legislation on the subject. The only national legislation that I know of with regard to the Sunday question is the single clause in the Constitution already mentioned, and I think provisions that at the naval and military schools there shall be no requirements of instruction on Sunday. If I am not mistaken that is the range of national legislation, and answers fully the argument that there is no want of legislation.

As to the religious questions involved, I presume that we ask for this

legislation mainly, as far as your discretion is concerned, as an economic measure in the interest of workingman, and as a religious measure only as it protects the Christian commonwealth in its right of undisturbed worship and as it defends the rights of conscience. When you require Sunday work of public servants you incapacitate for filling public office those whom you ought most to desire to fill those offices. If I may be warranted in the suggestion, if the growing distrust of the Sunday-school man in places of trust, as cashier of a bank and other responsible positions, is significant of anything, it is that the Sunday-school man of to-day is not the Sunday-school man of Puritan times.

The church of to-day is weakened; the power of conscience in the church and community is weakened; that power of moral conviction and high principle upon which public morals depends is weakened by the trifling with its conscience at the hands of the state and nation.

Therefore, as a matter of free conscience, as a matter of our rights as citizens to hold office freely and fully, to render all public service in every way without interference or hindrance by law, we ask for such legislation at your hands.

At any time when you desire instruction on theological questions such as Dr. Lewis has referred to, of course we shall be happy to give you all the information which we possess.

The CHAIRMAN. Dr. Lewis, it seems to me, was quite right in saying what he thought fit to say, as it bears upon the protection of the rights of conscience in this proposed legislation.

Mr. ELLIOTT. Certainly I do not question the general relevancy of his remarks.

The CHAIRMAN. I suppose that he speaks from the stand-point of his religious convictions, and to guard against the enactment of anything that might violate those rights of conscience.

Mr. ELLIOTT. I insist that you shall give all weight to what he has said. For my part (and in this I speak only for myself), if you find that without injuring or weakening the legislation you can make a proper exception in behalf of these people which would guard all rights, I for one would not be found opposing it. I fear greatly, however, that you will not be able to properly frame such an exception.

Senator CALL. I did not quite understand what you meant by your suggestion that the state is trifling with the conscience of the church. In what way? To what legislation do you refer?

Mr. ELLIOTT. You require Sunday work of your public servants, for example, in the Post-Office Department.

Senator CALL. Suppose you find in the Post-Office Department that an embezzlement and a theft is being committed, what would you do in regard to that?

Mr. ELLIOTT. I would punish it, of course.

Senator CALL. Would you allow the man to be arrested on Sunday?

Mr. ELLIOTT. Certainly; Sunday is a non-legal day with regard to civil process only.

Senator CALL. What law is it, either State or national, that requires work against a man's conscience on Sunday?

Mr. ELLIOTT. Post-office clerks are required to work on Sunday. At the former hearing I called your attention to the fact that the present laws with regard to the postal service give too much discretion to local postmasters with regard to the requirements, the opening of the office, etc., on the Lord's day.

Senator CALL. The law requires certain work to be performed on Sunday, but it does not compel any man to do it who is conscientiously



opposed to working on that day. You say the state is trifling with the conscience of the church. How does it do so?

Mr. ELLIOTT. You make it difficult for men to hold office. Of course you do not compel a man to work on Sunday; he can resign his office.

Senator CALL. Suppose the law authorized a man to use as a substitute some one whose conscience would not be trifled with by work on that day?

Mr. ELLIOTT. I do not care to go into fine questions of casuistry.

Senator CALL. But you said the state was trifling with the conscience of the church. While we might admit everything else you say, I should like to know specifically in what respect the legislation of any State does not respect, not only in terms but in fact, the conscience of the church. Our constitutional provision is that Congress shall make no law respecting the establishment of religion. That is to protect each man's conscience.

Mr. ELLIOTT. Certainly.

Senator CALL. We say, who believe in the church, that it protects the conscience of the church. So it does; but it protects the conscience of everybody else.

Mr. ELLIOTT. That is true. Without doubt the existing system of Sunday work is in violation of the spirit of our laws.

Senator CALL. That is what it was intended to do, at least. I only wanted to know in what way the state is trifling with the conscience of the church.

Mr. ELLIOTT. It is evident, whatever may be the nice point of casuistry, that a man who has conscientious objections against Sunday work is placed at a great disadvantage.

Senator CALL. Suppose he could get somebody else to do the work who did not have conscientious scruples?

Mr. ELLIOTT. The fact that he is compelled to put somebody else in his place would put him at a disadvantage. And a man of very delicate conscience would believe that what a man does by another he does by himself.

Senator CALL. How are you to avoid it?

Senator WILSON. I suppose the man would have to resign?

Senator CALL. Not at all. He could cease work for a few hours; and that would not hurt his conscience very much.

Mr. ELLIOTT. Every letter-carrier in all our large cities is required to report at the post-office on Sunday.

Senator CALL. Suppose you have a provision which says that every man who has a conscientious conviction that he ought not to deliver a letter on Sunday shall be excused from that work and be authorized to put a temporary substitute in his place at the cost of that particular service only, would not that save his conscience?

Mr. ELLIOTT. It might possibly save a part of the cases, but the question of individual conscience does not exhaust our argument for the bill.

Mr. CALL. But it exhausts the argument as to the state trifling with the conscience of the church, does it not?

Mr. ELLIOTT. I do not think it does.

Senator WILSON. Would not that practice still maintain the Sunday mail service?

Mr. ELLIOTT. It would still maintain the Sunday service.

Senator CALL. But Mr. Elliott was speaking of the effect on the individual. As to the question of religious obligation, we might agree about that.



The CHAIRMAN. What would become of the service if he could not find a substitute who lacked the same conscience?

Mr. ELLIOTT. I think it of great importance, from my stand-point as a Christian minister, that everybody should have that sort of conscience. It is of the highest importance.

Senator CALL. We can not legislate in regard to the individual conscience.

Mr. ELLIOTT. I understand that.

Senator CALL. You do not propose to ask us to do that?

Mr. ELLIOTT. Not at all.

Senator PALMER. I understand the point the reverend gentleman makes to be that the state, by compelling these duties to be performed on Sunday, is debauching the public conscience on that point.

Senator CALL. That is a different thing. I understood him to say that the state was trifling with the conscience of the church.

Mr. ELLIOTT. I wish to add a word on this point of conscience. The legislation which we propose is not merely with regard to national service, but to such private service as is under the control of the national law. There a man can easily be discharged who refuses to work on Sunday, and any provision that you make for a substitute in such cases would probably be unconstitutional *ab initio*. You can not enter that far into the domain of private business.

Senator CALL. But in regard to the public business we could provide, for instance, that Seventh-Day Baptists might perform the service.

Mr. ELLIOTT. Certainly; but if the million men employed on the railways (I can not state the number, but it is a much larger number than we have in the public service altogether) are not protected by a Sunday law of the United States you make it impossible for scrupulous Christian men to compete for such positions.

The CHAIRMAN. Your position is, if I may epitomize it, that the postal and other Government employés who do public work on the Sabbath and the employés of railroad and other private corporations who perform work which is now done on the Sabbath, by the will of the employers of such laboring people, must choose between the violation of their conscience and the abandonment of their means of livelihood under the present customs and laws.

Mr. ELLIOTT. Yes, sir; as regards any constitutional question involved in a religious test, the fact that Sunday is a non-legal day in the common law, coming with the strain of our traditions and as an immemorial custom, makes its observance a part of the very organization and fiber of our society rather than a religious test. Its mention in the Constitution in the case of the President sufficiently proves that the framers of that document did not regard it a religious test.

Senator CALL. Do you propose that Congress shall make provision to pay the people in the employ of the Government who are exempted on Sunday for Sunday work?

Mr. ELLIOTT. I expect you to give them an adequate compensation.

Senator CALL. Do you propose that the law shall provide that the same amount shall be paid for six days' work as for seven?

Mr. ELLIOTT. I do, for the reason that we believe these employés can do all the work that is to be done in six days, and if they do all the work they ought to have all the pay.

Senator CALL. How will that comport with private affairs?

Mr. ELLIOTT. Other gentlemen have already argued that question here at length. We believe that the State is richer and that the En

glish-speaking peoples are richer through the centuries for having rested one day in seven.

Senator CALL. All that part of the proposition may be granted to you, but the simple question is, will the people of the country consent to pay for six days' work the same as for seven?

Mr. ELLIOTT. It is not a question whether they will.

Senator CALL. The economic proposition is whether it can possibly be done?

Mr. ELLIOTT. Whether the people will consent to it or not, is not the question.

Senator CALL. The Government can do no more than the people. It is a Government of the people.

Mr. ELLIOTT. As a matter of fact they will have to do it. The economic law holds good that in the long run the shortening of hours and the regulation of labor does not affect the whole body of wages which, as an economic principle, comes out of the fixed wage fund.

Senator CALL. I grant that; but how does it affect the man who happens to be sick on Sunday? He requires attention of some kind. How does it affect the man who is in danger of being murdered or mobbed?

Mr. ELLIOTT. The bill excepts works of mercy and charity.

Senator CALL. Then it will depend entirely upon the definition as to what is a work of mercy?

Mr. ELLIOTT. That is true. You are in the domain of judicial construction then, and there is quite a large body of decisions bearing on that point.

Senator CALL. But the question is, how far you can differentiate the wages paid to an employé of the Government or to an employé in private life; how far it is practicable for you to establish a standard of that kind?

Mr. ELLIOTT. As a matter of fact, in the majority of employments in all the productive industries, there is absolute rest on Sunday.

Senator CALL. The Government requires certain service to be performed in the railway mail service. Suppose the Government says that service shall not be performed which renders necessary the employment of those men on the Sabbath day? Here are a million men employed on the railroads. Here are these private corporations who employ a million men. By what law and what process are you going to compel those corporations to pay their employés the same price for six days' work that they now pay for seven?

Mr. ELLIOTT. Congress can not compel them. They would be compelled to do so by an economic law.

Senator CALL. Economic law and national law are different. We are talking about a national law.

The CHAIRMAN. Let me suggest that the national eight-hour law is based upon the question you are arguing so far as the public work is concerned.

Senator CALL. But the point is, how is this national legislation going to benefit these employés? That is the proposition the reverend gentleman has been arguing; not whether eight hours is to be the standard. The point is to show how this national law is going to make these private individuals pay as much for six days' work as for seven.

Mr. ELLIOTT. Even John Stuart Mill in his essay on Liberty (p. 155), in a paragraph in which he is opposing Sunday laws, declares that—

The operatives are undoubtedly right in thinking that if all worked on Sunday, seven days' work would have to be given for six days' wages.



It is curious to note that in a following passage he opposes laws against Mormon polygamy.

Senator CALL. Then you do not want any law to give the same wages for six days as for seven?

Mr. ELLIOTT. We do not want any law to make wages. That question will care for itself. Allow me to add that it does not appear that the private corporations referred to are unwilling that some law shall be passed prohibiting, or at least regulating, Sunday work. Probably many would welcome a law which would bear equally upon all parties.

#### REMARKS BY DR. HERRICK JOHNSON.

Mr. CRAFTS. Dr. Herrick Johnson, of Chicago, will be the next speaker.

Mr. JOHNSON. Mr. Chairman, to my mind Dr. Lewis has given his whole case away in saying that he wants nothing that will interfere with the best interests of the community. It would be simply impossible to destroy the rest day and allow one person to take one rest day during the week, and another to take another, and conduct the public business.

We all agree that one day should be set apart for rest in the interest of the community. The great body of the people—an inconsiderable fraction to the contrary—believe that Sunday is the day set apart for that purpose. It would be impossible to set two days apart. The Seventh-day Baptists, for instance, holding stock in a railroad where the majority of the stock is held by parties who believe in the Sunday rather than the Saturday rest, could not have its work stopped Saturday in addition to Sunday. So it would be all through; business could not be done on the principle he states without surrendering the very point he defends, which is, that the best interests of the community require a suspension of labor upon one day in seven.

With reference to the basis for the question of conscience he has raised, what is it? To my mind it is making a fetich of the letter. The Lord established a feast, and afterwards abrogated it. So He established a rest day, and afterwards abrogated it and instituted another. The feast of the Passover He set aside, and instituted another feast, the Lord's Supper. The Saturday rest He set aside and appointed another day for rest.

This appointment of one day in seven is arbitrary. There is nothing in nature to indicate that division of time. There is the day of twenty-four hours, there is the month, there is the year, all these are natural divisions; but there is nothing in nature to indicate the weekly division; the observance of one day in seven. It is arbitrary, and we regard that as an evidence of its Divine origin.

The CHAIRMAN. How do you base the Sabbath itself upon a Divine ordinance when there is no natural law to indicate which day is to be observed?

Mr. JOHNSON. It is in Revelation, and it is found to be exactly in accord with the laws of nature.

The CHAIRMAN. You base the law of one day's rest in seven upon revelation; that is to say, upon the Bible?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. There are many who doubt that it is established by revelation, are there not?



Mr. JOHNSON. I think no one who accepts the Bible doubts that there is one day in seven to be observed as a day of rest.

The CHAIRMAN. Will you just state the authority?

Mr. JOHNSON. "Remember the Sabbath day to keep it holy." \* \* \*  
 "Six days shalt thou labor and do all thy work."

The CHAIRMAN. Is there any other?

Mr. JOHNSON. There are references to this law all through the Bible.

The CHAIRMAN. Now you come and change that Sabbath day to which the Lord there refers.

Mr. JOHNSON. That we hold was changed by the Lord himself.

The CHAIRMAN. When did He do that, and by what language?

Mr. JOHNSON. There was a meeting for worship on the first day in the week, the day the Lord arose, and seven days after there was another meeting for the same purpose, and then it is referred to as the Lord's day.

The CHAIRMAN. After the change?

Mr. JOHNSON. Yes, sir; after the change.

The CHAIRMAN. It is based, then, upon two or three days being observed as days of religious worship after the resurrection?

Mr. JOHNSON. Yes, sir. Now, let us look at the impracticability of the question raised here and see where this matter of conscience rests. It is now half past 10 in Chicago. It is half past 11 here. If one of the Seventh-day Baptists should start west from Chicago to go around the world, always keeping each seventh successive day, when he got back to Chicago he would be keeping Friday instead of Saturday, as the Sabbath; and another Seventh-day Baptist who went the other way around the world would be keeping Sunday instead of Saturday for the Sabbath when he got back. That is what comes of making a fetich of the letter.

#### REMARKS BY REV. BYRON SUNDERLAND, D. D.

Mr. CRAFTS. The Rev. Dr. Sunderland, of this city, will now address the committee.

Mr. SUNDERLAND. Senators, we come before you as your fellow-countrymen, your fellow-citizens, your fellow-patriots, and your fellow-Christians. We come here to ask of you in your high places, as the successors of the great men, the great Christians, who founded this Government and who gave to us the Constitution of the nation, such legislation as shall tend to preserve the Sabbath of our forefathers, and transmit it in its purity and simplicity to the latest generation. We do not ask of you any novel thing. Look back to the records of a hundred years ago; look back to the action of the Congress of 1779; look back to the proclamations and orders of Washington, the utterances of such men as Franklin and Adams, and all the great Christians who have been prominent in the history of this country. You know, Senators, the record of the past, and you know that those fathers bequeathed to us the Christian Sabbath.

We are aware of those great changes in society and in our country which, I will say, more particularly for the last quarter of a century, have given a vast strain to the public morals of the nation, and we appreciate thoroughly the difficulties of legislation on almost any question that comes before Congress. But we feel that you have the right and that you are endowed with the prerogative of legislation on this as

well as every other subject which affects the general interests and welfare of the people.

I was going on in a different direction, but this question having arisen here unexpectedly, in which the honorable chairman seems to have felt an interest and as he would like to have something said in reply to his question, I will change my line of remark entirely.

The CHAIRMAN. Please take three minutes on your original or designed line of remark.

Mr. SUNDERLAND. If you will allow me I should like to go directly to the answer to your question, especially in view of what our friend Dr. Lewis has said.

The CHAIRMAN. Proceed, doctor.

Mr. SUNDERLAND. I understood the purport of the question to be, On what authority of the Bible do we base this claim of the Christian Sabbath? Was that the question?

The CHAIRMAN. Consider it so.

Mr. SUNDERLAND. In the cosmogony of Moses, it is stated in reference to the structure of the physical universe that the sun and moon and stars of heaven were to be for signs and seasons and days and years. Those were the great chronometers of time for the human race. But you will observe that there is no division, no specification of a septenary of time; there is no division of days into periods of seven. There is nothing said about it there, and yet afterwards in the Scriptures, all through one of the most prominent divisions of time is the septenary, the weekly period. We find upon examination of the Scriptures that there are three distinct weekly periods pointed out and legislated for. One is the creation week, the other is the Jewish week, and the third is the Christian week.

Senator PALMER. Will you permit me to ask a question right there, and I do it for information, not in the spirit of cavil?

Mr. SUNDERLAND. Certainly.

Senator PALMER. Does not the division by seven possibly come from the lunar calendar, from the quarters of the moon?

Mr. SUNDERLAND. No, sir; because——

Senator PALMER. Was not that the ancient system of measurement of time?

Mr. SUNDERLAND. Oh, yes; the Jewish calendar is all made up on the movements of the moon.

Senator PALMER. I do not know that that really involves the division of seven.

Mr. SUNDERLAND. Not quite, because the days of the month, of course, according to the movements of the heavens, varied somewhat.

Senator CALL. That does not touch the doctor's argument at all. The doctor's argument is not upon the structural division.

Senator PALMER. The point was made by Dr. Johnson, of Chicago, and I asked for information.

Mr. JOHNSON. I would say that it does not, because four weeks do not make a lunar month. The month is not exactly so many days.

Mr. SUNDERLAND. There is a variation in the month.

The CHAIRMAN. It makes a month of thirty days.

Senator PALMER. But that is the Julian calendar.

Mr. SUNDERLAND. I should be very glad to communicate any information we may have that may be desired if time were allowed.

Senator PALMER. I merely threw in the suggestion. Proceed with the line of your argument.

Mr. SUNDERLAND. We find in the Scriptures, and it is a fundamental



distinction of the weekly period, that it consists of six secular days, followed by a seventh—a sacred day, or day of rest. That was the case with the creation week, and the order is not changed anywhere under any dispensation—the paradisaic, the patriarchal, the Jewish, or the Christian. A week consists of six secular days, followed by a seventh, a sacred day. So far as the records of the Bible show, there is no notice anywhere of the change from the creation week to the Jewish week or of the change from the Jewish week to the Christian week.

I ought to state further how this division of weeks arises. In every case—in the creation week, in the Jewish week, and in the Christian week—they are reckoned from and founded upon some great providential event. The creation week is founded upon and reckoned from the creation of this world. The Jewish week, which was designed for a particular and special nation, is founded upon and reckoned from the falling of the manna. The Christian week is founded upon and reckoned from the greatest providential event of all, the resurrection of Jesus Christ.

In the twentieth chapter of John's gospel you will find that there on a certain day it was found that He arose. On the evening of the same day He met with His disciples. Eight days afterwards He met with them again. That is the record of the first Christian week.

The intercalary day on which He rose I maintain is called "a Sabbath," or "one of the Sabbaths," and that the phrase "the first day of the week," which we find in our English version, ought never to have been there; and even as it stands there it has no vital significance in this discussion. It belongs to the old Jewish calendar, the Jewish system, and it does not belong to the Christian dispensation, to the Christian week, or the Christian Sabbath.

The Christian Sabbath is the seventh day of the Christian week and comes directly under the Fourth Commandment of the decalogue:

Six days shalt thou labor and do all thy work, but the seventh is the Sabbath of the Lord; in that thou shalt do no work; thou shalt rest.

The CHAIRMAN. You claim that our Sunday is the seventh day?

Mr. SUNDERLAND. It is the seventh day of the Christian week.

The CHAIRMAN. And therefore Dr. Lewis in observing the seventh day, should observe the day following that which he does observe?

Mr. SUNDERLAND. Certainly; he is back in old Jewish times. He is following the Jewish calendar to-day, with which we have nothing in the world to do.

The CHAIRMAN. Dr. Lewis does not concede that, I take it.

Mr. LEWIS. No, sir.

Mr. SUNDERLAND. It is true. That is my humble opinion.

The CHAIRMAN. It is an issue between you and Dr. Lewis.

Mr. SUNDERLAND. Yes, sir. That is just my humble opinion. If any man will examine the original Greek text he will see that there is nothing in the world about "the first day of the week."

The CHAIRMAN. We shall have to leave out the Greek. Was there any other point you wished to present?

Mr. SUNDERLAND. I could talk all day.

The CHAIRMAN. But you have stated your position?

Mr. SUNDERLAND. I have given just the one idea.

The CHAIRMAN. This is all based upon your assumption that the days mentioned in Genesis are literal days which were established during the time when even the sun itself did not exist, and that the questions between you and the geologists are settled in favor of the Mosaic literal account of the creation?



Mr. SUNDERLAND. I take it the honorable Senator will remember the twentieth chapter of Exodus where Moses explains that thing.

The CHAIRMAN. Certainly. I am expressing no opinions. I am trying to illustrate the grounds of difference that exist and that we will meet with if we try to push the bill. We have got to meet men who will even cavil, and you must not assume that friendly suggestions are antagonistic to your views or those of anybody else.

Mr. SUNDERLAND. I understand that. I wish to say that for one I am as great a stickler for the rights of private conscience as any man in this country, and for liberty regulated by law; but I do not want that liberty to degenerate into licentiousness, and I do not want the sacred day of God, the Christian Sabbath, the seventh day of the Christian week under the Christian dispensation, so desecrated as it was in the days of Charles the Second.

#### REMARKS BY REV. C. H. PAYNE, D. D.

Mr. CRAFTS. Rev. C. H. Payne, D. D., of New York, will speak of the "personal liberty" phase of the Sabbath question.

Mr. PAYNE. Honorable Senators, I do not wish to call your attention specifically to the religious aspects of this question; not because they are not of importance to you, but because the judicial and governmental and prudential aspects of the case are more fitting for consideration in a place like this.

You are aware that there have arisen recently in our country organizations calling themselves "personal liberty leagues," which demand that Sabbath laws, in closing business on the Sabbath, shall make an exception for the liquor traffic. I claim that this is a demand for a species of class legislation. Such legislation, as you well know, is dangerous in any country, especially among a free and self-governed people.

They demand that a peculiar class of people and a special business shall be exempted from laws which are applicable elsewhere throughout our entire Government. Nearly, if not quite, every State in the Union makes common labor and traffic on the Sabbath day a misdemeanor. They ask exemption from that, in the nature of class legislation, which it would be injurious to the liberties of the people to grant.

I oppose these personal liberty leagues also because they seek to seat more firmly on its throne the most despotic power known to civilization. I am not using words rashly when I thus characterize the saloon; and any special exemption for that traffic, asked of sensible and intelligent men to-day, will hardly commend itself to them. I need not prove to you the power that this great traffic has over our whole country. It endangers the liberty of the people in that it largely controls their votes. I will cite a single illustration. In the city of New York it has recently been shown that one brewery holds mortgages on more than six hundred saloons. The number of votes that are controlled thereby (and the same has been said by Mr. Edward Everett Hale in regard to Boston and other cities) you can easily see.

While these personal liberty leagues make their plea for Sunday opening in the interest of the workingman, they necessarily oppress the workingman, because they ask what can not be granted to all without destroying the rest day—the one day that nearly every State in the Union has made non-legal, with evident intent that it should be separated from other days and be freer from the burdens of life, and so bring its benison of privilege and of helpfulness to the workingmen.

Mr. John Stuart Mill has well said :

The operatives are perfectly right in thinking that if all worked on Sunday seven days' work would have to be given for six days' wages.\*

That will be the outcome in this country, as it is in other countries, if our Sabbath laws are overthrown. We claim that nothing but the protection of the law for a civil Sabbath can guard the rest day as a boon to the workingman. Amid the exactions of capital, the greed of men, and the competition of business, the rest day must inevitably go and a working day be substituted for it, unless the angel of law stands at the gate of the Sabbatic Eden with flaming sword in hand to keep away the spoiler.

Again, and finally, these Personal Liberty Leagues demand in the name of liberty what is in every way subversive of the real liberties of the people and in harmony with despotism. There is a contradiction between what they claim and their real fruits.

The CHAIRMAN. Why do you say that of them ?

Mr. PAYNE. They hold that all Sabbath laws are an assault on what they call the basic principle of our republican government, but, in fact, a civil Sabbath, made non-legal and protected by law, is an essential basic principle of our Government, without which it is in danger of becoming a despotism.

Judge Noah Davis, in a speech in New York last year on this subject, well said :

There can be no liberty without law ; there can be no personal liberty except in obedience to law.

And Senator Reagan, of Texas, in arguing this question with Mr. Jefferson Davis in the prohibitory campaign in that State, well said, in substance :

You may search the English charter and whatever there is in the Constitution of the United States concerning the rights of man, and all the bills of rights of the several States, and you will not find a single sentence in which there is any protection for that which is injurious to the interests of society.

We claim that the open bar on Sunday, and all noisy public amusements, such as parades, creating disorder, destroying the peace of the Sabbath day, are inimical to the highest interests of society, and tend to overthrow the liberties of the majority of our people.

We ask your attention also to the fact that there never has been in all history such an audacious demand made upon a people as is made upon the American people by the Personal Liberty Leagues. It is not a few malcontents who are aggrieved, but the American people, whose rights are invaded, whose liberties are assaulted, whose long cherished history and traditions these leagues seek to overthrow.

We are audaciously asked to abandon a policy that the nation from the very beginning has observed, and which has elevated it to its present greatness and its pre-eminent place among the nations of the earth—we are asked to abandon that policy and to grant what these leagues are pleased to call "personal liberty," which means license to a few malcontents to do as they please on the Sabbath. I hold that, whether it is regarded as religious or not, the observance of one day in the week by our forefathers and by every State in the Union, and by this whole nation throughout all its history, has elevated it to its pre-eminent place of greatness, and we think it an insult to be asked to abandon the policy at this late day.

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\* "On Liberty," near end of Chap. IV.



## REMARKS BY PROF. ALONZO T. JONES.

The CHAIRMAN. There are gentlemen present who wish to be heard in opposition to the bill. Prof. Alonzo T. Jones, of Battle Creek College, Michigan, is one of those who have spoken to me in regard to it. Will you not state, Professor Jones, what your desire is? I have no doubt that we can obtain leave of the Senate to sit during its session to-day. It is exceedingly desirable to go on with this hearing and complete it now. How would such an arrangement comport with your convenience? State first, please, whom you represent and your reasons for desiring to be heard.

Mr. JONES. Mr. Chairman, we represent the organization known as the Seventh-Day Adventists. It is true we have been entirely ignored by the other side. The very small, as they stated it, sect of Seventh-Day Baptists have been recognized, but we are more than three times their number, and much more than that in the force of our work. We have organizations in every State and Territory in the Union. We have the largest printing house in Michigan, the largest printing house on the Pacific coast, a printing establishment in Basle, Switzerland, one in Christiana, Norway, and one in Melbourne, Australia. Our mission fields and mission work run almost around the world, besides in the body of Europe, and we come here for a hearing, with the consent of the committee.

The CHAIRMAN. Where do you reside?

Mr. JONES. At the present time in Michigan. My home, for the past four years, has been in California. My family are in Chilotte. I am teacher of history in Battle Creek College, Michigan.

I must say in justice to ourselves, and also in behalf of the body which I represent, that we dissent almost wholly, I might say wholly, from the position taken by the representative of the Seventh-Day Baptists here. I knew the instant when Dr. Lewis stated what he did here he had given his case away. We have not given our case away, Senators, nor do we expect to do so. We expect to go deeper than has been gone yet at this hearing, both upon the principle and facts, and upon the logic of the facts.

The CHAIRMAN. This matter is all familiar to you. You are a professor of history. Can you not go on this afternoon?

Mr. JONES. Yes; if I can have a space between now and this afternoon to get my papers together. I have some references to make that I did not bring with me.

The CHAIRMAN. Very well.

## REMARKS BY JOHN B. WOLFF.

Mr. JOHN B. WOLFF appeared.

The CHAIRMAN. Whom do you represent?

Mr. WOLFF. I represent the Secular League of the United States and National Defense Association, bodies organized for the purpose of preventing the encroachment of ecclesiastical ideas upon legislation. That is, we are personal liberty people.

The CHAIRMAN. You represent the Personal Liberty League?

Mr. WOLFF. No, sir; I do not belong to that association.

The CHAIRMAN. Could you go on for fifteen minutes now?



Mr. WOLFF. I will do so, although I should prefer to hear all the other speakers first.

Mr. Chairman, and gentlemen of the committee, ladies and gentlemen: My first point is very briefly to make a formal protest as to the equity of this hearing. I am limited now to fifteen minutes, or it may be a little more, when this case has been heard on the other side on former occasions, and heard at great length to-day from the other side. It is utterly impossible to discuss either the main question at issue, much less to attempt a formal reply to what has been said. The time is wholly inadequate to meet the case. I shall have to content myself as much as possible with generics.

There are two great dangers to republics and to societies. The first is ambiguity of constitutional compacts, lack of clearness; and the second is the logical effect of strained interpretations of those ambiguities, which inevitably, in the state of human imperfection, lead to abuses.

I can not approach this subject as I should like to, but I want to state, first of all, in regard to the Constitution, that in the organization of this Government an attempt was made to define specifically the powers and functions of the Congress of the United States. Among the questions that were in the common mind at that time was this very religious question.

Those of you familiar with the history of the country are aware of the fact that we had *de facto* the establishment of church and state prior to the organization of the Government, and the limitations placed in the Constitution of the United States against the exercise of the powers of Congress in this direction grew out of the fact that the inchoate States feared that there might be an attempt on the part of the generic compact to interfere with the rights of conscience in the inchoate or perfected States; *i. e.*, the right to establish a State religion. Hence the prohibition is against Congress alone, while the States severally are left perfectly free, and can at any time create a State religion without in any degree violating the Constitution of the United States.

In the Constitution of the United States there are but four distinct questions of common morality delegated to Congress. All other questions of common morality derived by inference, either direct or remote, from the palpable teachings and the letter of that document are dangerous procedures and precedents for the future of this or any other country which violates the principle involved.

If you will take the prohibition quoted by Senator Call with regard to the prerogatives of Congress in this direction, that Congress shall not pass any law in respect to the establishment of any form of religion, it applies as clearly as logical facts and language can make it apply to the point, that they may do by indirection that which they can not do by the strict letter of the document itself. I look upon this movement as an attempt to do by indirection that which is forbidden by the letter and the spirit of the compact which binds us together, and whenever legislative bodies disrespect the spirit and letter of the compact there is an end of government and an end of personal liberty with government.

The theory prevailing in this movement is the common, old, and fallacious one that the end justifies the means; that you may do evil that good may come; that you may stretch the Constitution of the United States to its utmost limit under the plea that the object which you have in view is a good one. There never was a more dangerous basis for action, either in public legislation or private morality.

The magnitude of this movement to enforce this innovation is appall-

ing to men who occupy the position I do, and yet there is an element of salvation in it; for right here on this floor I find represented three or four distinct divisions antagonizing each other; and that will necessarily have a preserving influence.

I wish to say, as I pass, with regard to the argument of Dr. Lewis, that however he may have given himself away incidentally, that any man with a logical mind and a clear conception of human rights who will take that argument and carry it to its logical results can only reach the one conclusion, and that is that you have no right to interfere with the conscience of anybody.

The CHAIRMAN. What if a man conscientiously believes in Mormonism?

Mr. WOLFF. You have no right to interfere with his conscientious belief in any form of religion, even if it is devil worship.

The CHAIRMAN. Have you any right to interfere with his practice if it be in conformity with his conscientious belief?

Mr. WOLFF. If his practice impinges upon the convictions of the majority, the majority makes right in this country, whether moral or otherwise.

The CHAIRMAN. How if the majority see fit to establish the Sabbath?

Mr. WOLFF. He has to submit to inevitable necessity. Have I answered your question?

The CHAIRMAN. Certainly. I only wanted to get your view.

Mr. WOLFF. As the chairman has raised this question perhaps I ought to digress, but I shall not take my time in that way.

The CHAIRMAN. You introduced the point, and it was a very important one.

Mr. WOLFF. Allow me, Mr. Chairman, to compliment you upon the questions you have asked, bringing out the points in this case as well as the others.

I find here not only this diversity of sentiment, but I find represented in the bodies here making this demand a desire ostensibly that we shall have a civil Sunday (to which I do not object, and which I would help to enforce), but in reality a religious Sunday, a part of them taking the civil side and a part the ecclesiastical side, and both making common cause for a common purpose.

This is not the most extraordinary feature of this assembly to those who are conversant with the history of ecclesiasticism. From the highest power and unrestrained rule of the Roman Catholic Church down to the time when the Reformation commenced and from then down till now there has been the greatest possible antagonism between the Catholics and Protestants as to the interpretation of the same Bible, each believing that the other is exactly wrong and will land where brimstone is in excess of comfort, you may call it sheol if you please.

I find here to-day before me in that petition the representatives of the Roman hierarchy. For what purpose? That there shall be a compulsory process enforced upon the consciences of men to compel them to the observance of religious institutions. Here these hosts are making common cause against common liberty.

Mr. SUNDERLAND. Will the gentleman allow me just one question?

Mr. WOLFF. Yes, sir.

The CHAIRMAN. Allow me to say that it has been found by experience that when a public hearing before a Senate committee becomes a conversation between persons who choose to attend and listen to it, the confusion which results destroys the hearing. Any question suggested I will put to Mr. Wolff. You may pass the question in writing.



Mr. SUNDERLAND. I will pass it in writing to the chairman.

Mr. WOLFF. Very good.

The CHAIRMAN. Proceed, Mr. Wolff.

Mr. WOLFF. I call your attention to the fact that this immense branch represented as being about half the entire number who are making this appeal (I refer to the Catholic Church) in Catholic countries do not enforce the observance of the Sabbath. Their standard of the Sabbath differs essentially from your standard of the Sabbath. They have entertainments, dances, bull-fights, and theaters on Sunday. They attend the regular church services with due formality, but after that is done and the religious conditions are complied with, they enjoy themselves in any way that suits them the rest of the day. I have nothing to do with their consistency, but they are here consorting under a republican Government for an end which their associates refuse where they have the power to carry it out under the Governments they control.

The CHAIRMAN. Please discuss the subject, and not those who have chosen to appear before the committee.

Mr. WOLFF. I shall come to the point of my argument, as the chairman suggests. I have notes plenty here to keep me for two hours or more, but I shall not follow the specific arguments. I have not attempted to do this, and I shall not now.

Going back to the very gist of the argument, I concede as you must concede the human, and conceding the human you must concede the divine right of every intelligent, responsible human being to his own belief, both with regard to doctrines and observances; that minorities have rights as well as majorities (which majorities seldom respect), and that when you invade my right personally as to the non-observance of any religious day or festival, you justify me when I am in the majority in invading your right of conscience as to the observance of such a day. There is no safety in society at any time or place, under any system of religious or civil law, when the rights of each individual, as one gentleman said here to-day, no matter how humble, no matter how much he may dissent from the common public opinion, shall be held less sacred than the rights of the majority.

It is only in the mutual respect for and enforcement of the rights of the individual that we can establish permanency in society and state, and only by that means. What is being attempted to be done by this movement, is an invasion of individual right. Though I stood alone in the whole United States, no matter what the opposition, I should rise and protest against any movement that contravenes my right to believe what I please in regard to infinite causes and the laws of infinite mind, in this life or the life to come.

That is why I am here to protest. This is exactly what you are doing: You are setting a precedent which, when the sentiment of the world shall come up to this standard of individual conscience and right of action, may re-act against you in the most terrible manner, because they who play with fire and sword are apt to get burnt and cut.

I will say in regard to the secular side of this question, as Senator Call intimated in his interrogatories, that no man is bound to work for the Government, that no man is bound to become a candidate for the Senate or House or to fill any of the appointive offices of the Government. That is his election. Therefore the argument that he is compelled to do the work has no value. It is his right to withdraw; to abstain from the service of the Government, and thus protect his conscience, and if he is a good man and conscientious he will certainly do so.



As I am not at liberty for lack of time to go into a specific answer to the arguments which have been offered to-day, I will indulge just a moment on another point.

One gentleman here raised the question with regard to the difficulty of the Christian Sabbath. It is a physical impossibility to institute a Christian Sabbath of any specific number of hours upon the whole face of the earth, of any kind whatever. As you change towards the polarities of the earth you diminish or increase in the length of your days; and as the earth revolves upon its axis from west to east you compel, so far as the day-light and the measurement of time are concerned, the adoption of a different period of time, for one day in one place from another.

The only thing that you can do to accomplish this purpose is to make a theory of one-seventh portion of the time, and adjust it as well as you may to the physical conditions of our solar system. The gentleman assents to that. That is the truth. You will then have an exact conformity.

I wish to call attention to another point in this solar system business. Not only is there a difficulty as you travel from east to west, but if you start from the east and go west, after you pass the line you will get two Sundays in one week. That is a physical difficulty you probably had not thought of at all.

With regard to the difficulties in the minds of these ecclesiastical gentlemen on the subject of the measurement of time by the Jews, I probably can throw a little light on that subject. There is not any doubt that the chairman is right in regard to the divisions of seven, by the quarters of the moon, nor is there any doubt, if you will search the history of the past, that the months of the ancient Jews were lunar months and properly measured twenty-eight days in round numbers.

If you will take their history and the statements in regard to the great age of the patriarchs made in the Bible, and explain them by that law of interpretation, you will find that a good deal of mystery will disappear from that book which is past understanding at the present time. Divide the ages by 12 or 13 and you get a reasonable age. The change by adding the days to correspond to the solar year came as a matter of course in the progress of time, for they had thirteen months, or thereabouts, instead of twelve. This spoils the longevity business.

The question of religious belief and observance is a question between a man's own conscience and his God, if he has any. If he has not any, then that ends the matter with regard to him. The question is limited right there, and it is a matter that the State has no right to interfere with, either directly or indirectly.

Now, take my own case. Excuse me, gentlemen, I am a graduated theologian. I have been through the mill that grinds out preachers. I studied the question from the beginning to the end of it, and I reached the conclusion that you are in error, that I was wrong; I have changed my position on the subject, and I am a personal liberty man. I am perfectly willing that you shall have your Sabbath, your churches, your Sunday-schools, and all the forms of religious exercises that are necessary to your individual happiness and growth. But I am perfectly unwilling that you shall trespass one inch upon my domain, and in any way interfere with my right to scan it, to weigh it, to measure it, to study it, to form my own opinions about it, to regulate my own life by it, and to be a man for myself without regard to any external influences brought to bear upon me.

I wish now to call your attention to another point in this controversy.

Ecclesiasticism has been a despotism, the most tyrannical, oppressive, destructive, and cruel that ever attempted to control human thought or action. It has drenched the earth with blood, and just in proportion as it trespasses in this direction upon human rights it will continue to do that thing. What did the Protestants do in the enforcement of their idea? What the Catholics did prior to the Reformation the Protestants did subsequently to the Reformation to the extent of their ability.

From the days of the burning of Michael Servetus down to the present time, ecclesiasticism has been, and will always continue to be, a despotism. Why? Because it assumes God origin. Because it assumes supernatural powers. Because it assumes infallibility of knowledge and of belief. These conditions of the human mind as inevitably lead to despotism as the exercise of arbitrary power in civil government makes despots and tyrants of men.

The CHAIRMAN. Conceding that there are supernatural powers or a supernatural power pre-eminent over all others, and that all human existence and conditions are an outgrowth or a creation of that power; in other words, assuming the ordinary belief that there is a God and that human beings have relations to that God, do you see anything in the ecclesiasticism of which you speak, except its abuses, that can be objected to? Are not those relations a legitimate subject of investigation, an all-important subject of investigation, and a difficult subject of investigation, so that as in all other pursuits of life there may come to be a specialty and men may study it as experts study any other subject-matter, limiting themselves within the proper sphere of the relations between man and God? Is not that ecclesiasticism of which you speak to be encouraged rather than condemned?

Mr. WOLFF. If you will give me an ecclesiasticism that is absolutely infallible in its doctrines and acts, I shall have no answer to make to you.

The CHAIRMAN. Then let me change my question a particle. If you require that those human beings who investigate this subject shall be perfect, do you not make a condition that is impossible to be complied with, and therefore in effect say that there shall be no investigation at all, since there are none but human beings who are imperfect to conduct that investigation?

Mr. WOLFF. No, sir. In the first place, I did not make the imperfection a condition of non-investigation. On the contrary, it is a justification of investigation that they may become more perfect.

The CHAIRMAN. Is not the imperfection a common condition of humanity which nobody can remove?

Mr. WOLFF. It is a common condition of humanity and a perfect and absolute barrier to the attempt of the imperfect being to dominate one more perfect.

The CHAIRMAN. Would you not say when you speak of domination that you reach the condition of abuse on the part of ecclesiasticism of which you spoke?

Mr. WOLFF. When the assumptions of ecclesiasticism are those of perfection, of deific ability and authority, the logical effect upon the imperfect being is abuse of power.

The CHAIRMAN. Everybody will concede that.

Mr. WOLFF. Everybody must concede it.

The CHAIRMAN. The Protestant and probably the liberal Catholic will concede you that.

Mr. WOLFF. The Catholic has to be very liberal, however, to concede it.



The CHAIRMAN. This right of individual conscience remains. Now we come to the condition of society and those regulations which are necessary in order that society may be preserved and improved and elevated. The majority, including the ecclesiastic whose reasons may be the same as those which influence the man who is for the civil Sabbath plus those which come from our relations to the Creator, ask for legislation. You say there may be legislation, and that you will assist in obtaining it.

Mr. WOLFF. Yes; I am in favor of right legislation.

The CHAIRMAN. Does it invalidate the right for this legislation that ecclesiastical denominations come here and add to all the reasons which you may give for it, the other and to them the stronger sanction of their belief that the Divine command requires it?

Mr. WOLFF. The objection I make, in answer to your question, is that it is not merely an addition to my argument in favor of a secular period of rest established by law but that it carries with it the ecclesiasticism, and that the argument is founded on the fact that the Sabbath is of God-origin specially instituted.

The CHAIRMAN. But these people come here and argue for the God-origin of the Sabbath. You concede that the legislation is for the public good, whether their reason be true or false. Is it fair to come here and discuss this bill, and urge against the bill, or some bill like it, the fact that reasons which you do not believe in can be given in its favor when you concede that there should be a Sabbath from your own stand-point? Why reply to their argument? Meet the bill.

Mr. WOLFF. In the first place, I have only conceded under the generic false system of society that this day of rest is useful. If you were to interrogate me on my ideas of political science and material economy I should probably take a different view, but to avoid conflict I make that concession and do not bring that question in.

The CHAIRMAN. Here are 65,000,000 people who will promote this movement, and from every conceivable stand-point, and you put your points with as much force as anybody will before the committee. Have you examined the bill?

Mr. WOLFF. I have read it previously, but not lately.

The CHAIRMAN. Take the bill itself. I should like to hear you as to the specific provisions in respect to sections or propositions, and know what objection you have to them.

Mr. WOLFF. You wish me to take it up seriatim?

The CHAIRMAN. Yes.

Mr. WOLFF. I could not do that without reading the bill again. I will do it now if you will give me time. Take the bill, as you are familiar with it, and ask me any question you please on a specific point.

The CHAIRMAN. I should like, if you can give us any light that bears upon the merits of the bill, to hear you. If you know nothing about the bill it is possible you have taken all the time you need to take.

Mr. WOLFF. Excuse me, I know enough about the bill, having read it sometime prior to this hearing but expecting to be heard on Friday instead of to-day, it was utterly impossible for me to reread the bill.

The CHAIRMAN. Do you wish half an hour at some other time to-day?

Mr. WOLFF. Yes, sir; if you please.

The CHAIRMAN. Very well; you may take it. Here is the bill. We will give you half an hour later.

Mr. WOLFF. Thank you.



## ADDITIONAL REMARKS BY REV. T. P. STEVENSON.

The CHAIRMAN. Is there any gentleman in the room who desires to be heard now?

Mr. STEVENSON. I wish simply to add that the great question in the development of government in modern times has been to maintain a just balance between the rights of individuals and the rights of society. With reference to the rights of individuals, we freely, from our point of view, concede that every man has a right to his opinions, whatever those opinions may be; the right to his unbelief, the right to dissent at every point from the prevailing religious belief of the community in which he lives; the right to argue for his disbelief, to maintain even atheistic convictions. On the other hand, society has the right, as it seems to us, to express and to maintain itself to act in accordance with its convictions.

In other words, if the people of a nation believe that there is a God, they have the right in the sphere of their public life to acknowledge and to worship their God. The individual in the sphere of his individual life is perfectly free to disregard God altogether, and even free to teach his children that there is no God. The nation is free, on the other hand, to acknowledge its God and to teach its faith in God to its children, to write its faith in God on public monuments and embody it in public declarations, in days of fasting or thanksgiving, and in all other public institutions.

When, then, the individual assumes to lay a veto upon the right of the state, and forbids the state to do anything that he dissents from, it seems to us that he presses the rights of the individual so far as to destroy the rights of society, just as if society, on the other hand, were to invade the sphere of his individual life or his own home and forbid him there the expression of his opinions.

Therefore we maintain that this nation is free to acknowledge God and His law, and to act in the sphere of its public life in accordance with those convictions, while at the same time we would maintain the right of every individual citizen in the sphere of his individual life to act out his convictions. Only thus, it seems to us, can the just balance be preserved between the rights of individuals on the one side and of society upon the other.

## ADDITIONAL REMARKS BY REV. A. H. LEWIS, D. D.

Mr. LEWIS. Mr. Chairman, I rise for a word of personal explanation in regard to the "giving away" which my friend Dr. Johnson seemed to discover.

The committee will remember that I distinctly said that if the running of a railroad train on Sunday were determined or shown to be detrimental to the interests of the Commonwealth I would not ask for that privilege. I did not agree that the running of a railroad train should be determined to be detrimental to the Commonwealth upon the ground that Sunday is a sacred day, for I do not believe that; but for me to ask the privilege of doing any business that was proven upon scientific grounds and grounds well understood to be detrimental to the general interest of the Commonwealth would be a sign of bigotry rather than of intelligence. I therefore do not say I would consent to this pro-

hibition upon the ground that Sunday is a sacred day, but on the ground that it would be inimical to the best interests of the Commonwealth.

The CHAIRMAN. Would you consider it inimical to the interests of the Commonwealth because it was wrong to do this kind of labor upon a sacred day?

Mr. LEWIS. I would not; for I do not consider that Sunday is in any sense a sacred day.

The CHAIRMAN. Do you consider that your Sabbath is a sacred day?

Mr. LEWIS. I do.

The CHAIRMAN. Do you consider that there is a violation of the laws of God in the transaction of the ordinary civil employments upon the seventh day of the week, or Saturday?

Mr. LEWIS. I do.

The CHAIRMAN. You then feel that the community at large is engaged in a violation of the Sabbath?

Mr. LEWIS. I do; and that it should be left to the divine law, and not the secular, to determine what is a violation of the Sabbath.

The CHAIRMAN. There is one difficulty which has occurred to me in regard to that matter. The Christians are now about 300,000,000 of the 1,500,000,000 people on the face of the earth. We believe, as you state, as all Christians agree, that there is a Sabbath day, one day in seven. The Christians disagree among themselves as to which day it is. You say that it is Saturday, others say that it is Sunday. You consider that the great majority of Christians are engaged in a violation of the Sabbath. They believe that if you work on every day you are engaged in a violation of the Sabbath.

Now, it is as easy to conceive of three divisions of Christians as of two in the subtleties of theological discussion, and of four as of three, and of five as of four, and of six as of five, and of seven as of six. Suppose the Christians were divided up into seven equal parts and each one believed the Sabbath to be a different day from that which the others believed to be the Sabbath. Thus we would have six-sevenths of the whole Christian world engaged in violating the Sabbath of the other seventh. That is all logical, all mathematical, all supposable, because we have the demonstration that here are two divisions of the Christian world differing conscientiously and each holding that the other is violating the Sabbath. The existing facts lead by the ordinary processes of reasoning and logic to the supposition which I make, that six-sevenths of the whole Christian world may ultimately come to believe that every day one-seventh is thus engaged in a violation of the Sabbath.

Is not that a *reductio ad absurdum*, and does it not lead to this, that there can be no such claim made as the theological basis of civil legislation in reference to the Sabbath, and that we have to deal with this question upon a ground on which we all agree, if possible—the ground of what is good for human beings here in this world? So far as our relations to the next world are concerned, of course they should be taken into account by each man in the region of his own conscientious belief; but if we are to have a day of rest, we must select some particular day. You want Saturday, other gentlemen want Sunday; but if five-sevenths thought it should be Thursday we should have to yield to the five-sevenths and say that Thursday is the Sabbath, and the others would have to conform to it; for if they do not conform it is impossible that there should be any one particular day observed, and you being the one-seventh must concede the right of the other six-sevenths to fix upon a day and you must observe it.

Mr. LEWIS. Are you through with your question?



The CHAIRMAN. It is a speech rather than a question, but it is a line of reflection that comes to my mind occasionally, and I do not know whether I am quite definite myself.

Mr. LEWIS. It brings me where I am very glad to make a reply. I believe the whole question of the Sabbath to be purely a religious one, with which the civil law is not at liberty to interfere by way of compulsion, but only by way of protection; and upon that ground it should be left to the individual action, to the individual conscience, to the individual choice; each man being protected alike. If, as you suppose, there should come such a division as that each day of the week would be observed, I would have the civil law do nothing more and nothing less than protect each man in doing as he believed he ought to do.

Indeed, there is at once a deep-rooted fallacy, as well as a contradiction, in talking of a "civil Sabbath." There may be a civil day of cessation from toil, but there can not be a civil Sabbath. Sabbath-keeping is a religious conception, starting from the idea of Divine authority and nothing less.

If you will grant me this fact in the history of Sunday legislation, I further say it sprang from the Roman conception that religion was a department of the state. It is not the New Testament conception. The New Testament conception of Christianity, so far as the individual is concerned, is purely a spiritual one. The conception which introduced legislation in reference to Sunday and associate feast days was the conception of the Roman Government that religion was a department of the state, and that the Emperor *ex officio* was the head of that department.

The first distinct legislation under Constantine was, in all its tone, its language, its temper, its surroundings, from the pagan stand-point, not introducing a single religious idea from the Christian. It was sixty-five years after Sunday legislation began under the Roman Empire before so much of the Christian idea appeared that the term "Lord's day" was used in civil law.

The CHAIRMAN. I wish to ask you a question: What is religion?

Mr. LEWIS. It is that conception of the individual's personal relation to God which binds him to obey what he believes God requires.

The CHAIRMAN. You believe that God requires the observance of one day in seven?

Mr. LEWIS. I believe that God requires the observance of the seventh day in an universal, unbroken, and undisturbed cycle of time from the earliest period of history, namely, the seventh day of the week.

The CHAIRMAN. You believe that God requires that?

Mr. LEWIS. I believe that God requires that.

The CHAIRMAN. Suppose that human beings trying to live in accordance with the will of God re-enact his law and write it on their statute-book; is it wrong for society to put into its public laws the requirements of the obedience to God and his law?

Mr. LEWIS. I am very glad that the honorable chairman has raised this question, since it gives me an opportunity to say that the effect of Sunday legislation has been to desabbatize Sunday by calling the attention of the individual to the human authority, and not to the divine. The conscienceless state of the American people and the American church, and of the European peoples, running back through the centuries, is the result of thrusting forward the civil conception of the day in place of the divine, and so breaking down the true conception of Sabbath-keeping.



The CHAIRMAN. But here are a few poor, unfortunate Senators who are called upon to aid in the enactment of laws. You say that God requires the observance of one day in seven. You further say, and all agree, that there is not one day in seven that is observed according to the command of God. All States have made laws re-enacting the will of God, as Mr. Webster said in his 7th-of-March speech, when Congress was called on to enact that slavery should not be extended into certain of the Territories. He said it could not go there; it could not live there; and to say that slavery could not go into the Territories was being called upon to re-enact the will of God. Nobody claims that there is any absurdity in this case. The will of God exists. He requires the observance of the seventh day just as he prohibits murder; and as we re-enact His law in making a law and enforcing it against murder, so all the States have enacted laws against the desecration of the Sabbath, going further or not so far, according to the ideas of the various legislatures.

Here is a domain of the violation of the Sabbath. It is purely under the control of the national power so far as it relates to interstate commerce, to the work of the Army and Navy in time of peace, the Post-Office Department of the Government, and also the general service of the Government. The States can not touch that domain. This practice has grown up in direct contradiction and violation of the traditions of the Anglo-Saxon communities, nations, and races, and in derogation and violation of the laws of all the States which made this Government, so that they are practically nullified to a great extent by the action of this superior Government which was created by their consent.

The people of the United States, being the people of the several States, want to keep their Sabbath. They did not understand that they were conceding to the General Government any right to destroy the Sabbath when they gave away the jurisdiction of civil power relating to interstate commerce, to the Post-Office, and no further than absolutely necessary in the control of the Army and the Navy. They did not understand that they were giving to the nation at large the right to violate that which they supposed they retained to themselves, and which within their special special jurisdictions they exercised among themselves.

Now, the question comes right to this point: God having ordained the Sabbath, as you concede with all religious organizations, here is the National Government, which alone can make that law of God operative in this sphere of national action. Why should not the National Government, then, re-enact that conceded law of the Almighty and make it effective?

Mr. LEWIS. The Sabbath law differs entirely in its primary relation to man from the law against murder, in that the law against murder regulates a relation between men as men; the law of the Sabbath primarily and fundamentally regulates a relation between God and man.

The CHAIRMAN. But are you not begging the question? That is not meant offensively. Is it not the fact that this legislation is justified by reason of the relations of men to each other?

Mr. LEWIS. I was coming to that point. I believe (and therefore the answer that I made when it was said I gave myself away) that when science shall have demonstrated that a given practice is inimical to the highest interests of the commonwealth (and in that I do not mean to the religious opinions of those who may differ from me, but to the highest interests of the commonwealth in the deep and scientific sense), Congress has a right to protect the commonwealth against any such inimical work.

The CHAIRMAN. Is not the fact that a particular thing is thus detrimental to the interests of the commonwealth a demonstration that that thing is prohibited by the law of God, and, having a common origin, the will of God, as well as the just requirements of society for its own preservation?

Mr. LEWIS. True; but the facts of history, as well as the philosophy of our relation to God, show that the benefits of the Sabbath can only come as a Sabbath from God downward, not from the civil law upward, and the intervention of the civil law in the case of the seventh day would do as it has done in the history of the first day, desabbatize it, or rather prevent it from being considered as a sacred day. Since the divine law alone is the standard of action and the ground of conscience in the matter of Sabbath, keeping, I insist that to talk of a civil Sabbath is a misnomer; but if careful investigation shall prove that the commonwealth must protect itself against general injury by compelling men to rest (a thing which I did not even grant in my first reply, nor do I now), then the commonwealth is at liberty thus to do.

#### ADDITIONAL REMARKS BY REV. BYRON SUNDERLAND, D. D.

Mr. SUNDERLAND. May I be allowed to make just one explanation?

The CHAIRMAN. Certainly.

Mr. SUNDERLAND. We have another engagement at half past 1, and I hope that the friends and the other gentlemen who are to address the committee will not regard it as an intentional disrespect to them if we now retire.

I want to say before I go, and to give a parting shot to my friend Brother Wolff, that his speech here to-day about ecclesiasticism would have done several centuries ago in the darkness of the Middle Ages, under the Urbans and the Gregories, but for such a speech to be delivered at this time of day to American citizens, the sons of the fathers and founders of this Government, I am utterly surprised and astounded beyond expression.

#### REMARKS BY PROF. D. B. WILSON.

Mr. WILSON. Mr. Chairman, will you allow me a few words?

The CHAIRMAN. Certainly. Please state your relation to the subject and whom you represent.

Mr. WILSON. I am from Pittsburgh, Pa., and a member of the Sabbath Union that has been in session in this city.

I felt when the exception in the Constitution in favor of the Chief Executive was noted that there is great force in the argument and that the same exemption might constitutionally be given to all whom the Government employs, for in one great sense the President is himself a servant.

I wish also to note a fact which has been brought home to me, that, by virtue of his position as Commander-in-Chief of the Army, Washington issued an order with regard to the Sabbath; and when the great mass of men were called into the Army in the late war President Lincoln issued a similar Sabbath order. In those cases it was done by President Washington and President Lincoln in their capacity as Commanders-in-chief. Now, in time of peace, Congress, acting in conjunction with the Executive, takes the place of the Commander-in-Chief, and it appears



to me that it is in keeping with what the people recognized as so beneficial during the civil war that in time of peace the same authority should be exercised.

I know the Sabbath order opened the way for Sabbath-keeping men to go into the Army, and enabled such a man to tell a superior officer who was exercising particular authority over him :

The Commander-in-Chief requires you to give me as much of the Sunday for rest as the exigencies of the service will permit.

In the same way I feel that the matter can be fairly brought forward now. I myself felt in the Army, and I have always felt, that the matter might be brought home in this way by the Congress and the Executive acting together, taking the place of authority, and saying to the employés of the Government :

You may have the rest that you conscientiously desire.

### REMARKS BY JOHN NOBLE STEARNS.

*Secretary of the National Temperance Society.*

Mr. STEARNS. Mr. Chairman, I did not come here to make an argument. I desire simply to convey to you the hearty sympathy of our National Temperance Society with this bill and this movement. We are twenty-three years old. William E. Dodge was our first president. His successor is Dr. Theodore Cuyler. We have a vice-president in every State, and in every part of the country our members are in sympathy with this movement.

I never yet saw a man, woman, or child who worked on Sunday who did not want to rest instead. They said, "I wish I did not have to work." I have been in the summer to great summer-resorts like Ocean Grove, where half a million people go, and to Asbury Park and other places where there are no Sunday mails or Sunday trains, and a more quiet, peaceful, or better citizenship I never saw.

I will make but one other observation, namely, that I believe the despotism of the liquor traffic in compelling its members to violate the Sabbath is the greatest weakness in that traffic and will eventually be one of the greatest factors in its entire annihilation.

The CHAIRMAN. How does it compel its members to violate the Sabbath ?

Mr. STEARNS. By discharging them if they do not work on Sunday. They have to work Sunday and at nights ; they have to do continual work.

The CHAIRMAN. How many do you think are engaged in the liquor traffic ?

Mr. STEARNS. Probably 500,000 or 600,000 persons are directly connected with that traffic.

The CHAIRMAN. And their families would be an addition to that number ?

Mr. STEARNS. Their families would be an addition to the number.

The CHAIRMAN. The larger portion of them are single men ?

Mr. STEARNS. The larger portion are single, I should judge. I have not any special acquaintance with the men individually, except as I come in contact with their families in my mission work in the city of Brooklyn.

The CHAIRMAN. Do you think any larger proportion of them are single persons than in the ordinary avocations of life ?



Mr. STEARNS. I should think so.

The CHAIRMAN. They are young men who would naturally become the heads of families.

Mr. STEARNS. Yes, sir; if they were not in that business.

The CHAIRMAN. Its demoralization would be quite as severely felt by the community on that account?

Mr. STEARNS. Yes, sir. I have had many of them say to me they wished to be out of the business and in something else where they might build up a character and position in society. I only refer to the Sunday work of these liquor men as an element of weakness in that traffic.

After nearly forty years of business experience in New York City I believe that men do more work and better work who work only six days than those who have to work every day in the week. I think that the moral sense of the people is lowered by Sunday work.

The CHAIRMAN. I suppose you have had as much observation as almost any one else as to what the common people in this country think and believe and how they feel. What proportion of the common people of this country, and of all the people of this country, do you judge, believe that the Sabbath is of Divine ordination?

Mr. STEARNS. I should suppose that more than three-fourths.

The CHAIRMAN. Including those who are and those who are not religious, in the common sense of the term?

Mr. STEARNS. Yes, sir. I will give an instance that occurred yesterday. A man told me—

I am not a church member; I do not go to church, but I want you to say, any time you have an opportunity, that I hope the members of the church will triumph in this nation and in this Government.

I shall not go into any further particulars, but that is the universal feeling. I have a mission Sunday-school, with nearly a thousand connected with it who do not go to church, but who are in poverty and trouble because of the Sunday work of many of their families in this liquor business.

The CHAIRMAN. You do not then consider this necessarily a mere ecclesiastical or hierarchical church movement?

Mr. STEARNS. No, sir.

The CHAIRMAN. To what extent is the movement supported by the American people?

Mr. STEARNS. As an organized movement it is comparatively new.

The CHAIRMAN. I refer to the support of the people.

Mr. STEARNS. The sentiment of the people, as I have seen it for thirty or forty years, is rising higher and higher in favor of absolute Sunday rest.

The CHAIRMAN. Take the labor organizations and those whom we call the working people. That seems to draw a distinction between work such as we are doing here to-day and that which a man does on a farm, but I would rather work on a farm than work here for that matter. However, I mean now to confine the term to those who are at work in the productive manual occupations. How generally do you think those people want a legalized Sabbath?

Mr. STEARNS. Very generally, and the sentiment is increasing in our locality. I live in a ward of 45,000, mostly working people, and that is their increasing opinion.

The CHAIRMAN. A portion of those people desire this legislation from religious conviction, and another portion from a conviction that it is better for them in their earthly work and relations that there shall be

a Sabbath; and some desire the Sabbath from both motives, as I understand you?

Mr. STEARNS. What I was going to say is that they do not desire it so much for religious purposes as for their own strength and benefit and rest.

The CHAIRMAN. All who desire it for religious purposes desire it for these other reasons also, and beyond those people there is a large mass of others who desire it.

Mr. STEARNS. There is a large and growing mass who desire it for their own benefit and protection and safety and strength.

#### ADDITIONAL REMARKS BY MRS. J. C. BATEHAM.

Mrs. BATEHAM. May I be permitted to give a little item of information on that point?

The CHAIRMAN. Certainly. I think such items will be as effective with legislators as any others, and if the facts alleged do not exist Congress will not trouble itself very much about legislation.

Mrs. BATEHAM. As our women go about with these petitions among the laboring classes the report is almost universal that nearly every wage-worker is with us. We hear no objection, and men and women almost universally say, "It is just what we want." I have had a great many to appeal to me personally, and others through other persons, saying, "Help us all you can; the laboring people are all with you." We have more than 240,000 of these wage-workers on our petitions and we can get all we have time to reach, I am satisfied, with the exception of very small numbers, because we scarcely ever came across opposition. As we look on the petitions where the occupation is given, I have been astonished myself, because while we find ministers and other professional men, yet along down in the list of signers are the butcher, the baker, and all classes of laborers running steadily right along every time.

The CHAIRMAN. To what extent do you think these petitions are signed by that class of people because the minister or any other individual may exert an influence over them?

Mrs. BATEHAM. Oh, it has no influence whatever. They do not know anything about any ministerial influence or any thing of that sort. Our women go right to them, pass from house to house, and right among the employes in some factory, and ask, "How many of you wish to sign this petition?" And when they look at it they are ready to sign it. I never heard a woman say, "I have been refused when I went into a factory," or "When I went among the laborers the people refused to sign." They almost always sign when asked.

The CHAIRMAN. Do you see any reason to think that this is an ecclesiastical movement?

Mrs. BATEHAM. I am satisfied that it is not so at all. It is a movement of the masses. I think the country is stirred at this time from one end to the other on this question, and the working people are as much stirred on it as any other class of people.

The CHAIRMAN. There is a claim made by many that this is an effort of the ministers to bring around a state of laws so that people can be compelled to go to church.

Mrs. BATEHAM. The ministry, I may say, have had almost nothing to do with it. This petition work has been done chiefly by our Woman's Christian Temperance Union. It was started in behalf of the elevation



of the masses to protect the morality of the people. Of course we have had indorsements also from ministers and leading men. All the thinkers are with us, and the leaders of public opinion to a very large extent, but for the most part have gone right among the people. This is emphatically a movement of the people.

The CHAIRMAN. The ministers are obliged to give in?

Mrs. BATEHAM. Not exactly. They are always ready for this thing.

The CHAIRMAN. But they did not start it?

Mrs. BATEHAM. They did not start it. They have at last established the American Sabbath Union, which is now in session in this city. This was organized a month ago. Before that the ministers, as organized bodies, had done nothing except in some cases to indorse the petitions by votes of ecclesiastical assemblies. They have stood up for it, as we knew all ministers of the gospel would, but it has not been their work.

The CHAIRMAN. They come limping along afterwards and now organize.

Mrs. BATEHAM. We claim that this is a sort of a wheelbarrow government anyway. The Government must be pushed by the people, and the ministers must sometimes be pushed by those who sit in the pews.

The CHAIRMAN. Then you do not see in this movement any danger of ecclesiastical domination or of spiritual rule that will destroy our civil liberties?

Mrs. BATEHAM. There is not the slightest ground whatsoever for that fear.

The CHAIRMAN. Do you suppose that there are the names of any infidels on these petitions?

Mrs. BATEHAM. We have never asked the question. I could not tell you as to that. There might be infidels and there might be other unbelievers. We never ask the question. We only say, "Are you in favor of a law that will protect Sunday as a national rest day, which will stop this transportation by trains," etc., and they say, "Yes."

The CHAIRMAN. What proportion of those to whom the petitions were presented have declined to sign?

Mrs. BATEHAM. The proportion is very small.

The CHAIRMAN. Do you think 1 person in 500 would refuse to sign?

Mrs. BATEHAM. No; I do not suppose so many would refuse. You see we do not always go to those who we know would oppose it. For instance, we would not go to a saloon man. We would know that on natural principles he would oppose it.

The CHAIRMAN. To whom do you go?

Mrs. BATEHAM. We go to those whom we suppose from their occupation would not be opposed to it. There is a large class of people who make money from Sunday recreations. We know that the strength of the opposition comes from that class in one form and another, and we naturally would not go and ask them to indorse such a petition, because it would be time wasted.

The CHAIRMAN. With those exceptions, you go to all classes of people?

Mrs. BATEHAM. Yes, sir.

The CHAIRMAN. Do you go into factories?

Mrs. BATEHAM. Oh, yes.

The CHAIRMAN. Do you go to railroad employés?

Mrs. BATEHAM. Certainly. We have hundreds of petitions from them. I have received a letter since I came here to-day, which says



that there are nearly 100,000 railroad men praying for the success of the bill.

The CHAIRMAN. How about the farming people in the country?

Mrs. BATEHAM. They are always ready to sign our petitions.

The CHAIRMAN. How about the people in the flourishing villages and in the small cities?

Mrs. BATEHAM. We have always had good success among them. With more time, we could have rolled up a petition so large as to show that we carry the population with us.

The CHAIRMAN. What opposition do you meet and what reasons do the opponents give?

Mrs. BATEHAM. We have never found any opposition. We have had persons who have privately said, "I do not know that I approve the bill," but we have never known of any real opposition except from what we call the "Saturdarians," those who in one form and another prefer Saturday. Their papers stir them up to it, and they do oppose this movement.

The CHAIRMAN. You have tried to guard against their opposition by this proposed amendment?

Mrs. BATEHAM. Yes; we believe in saving the rights of conscience, and we believe that where others oppose it from greed they are scarcely worthy of recognition by anybody.

The CHAIRMAN. You do not think it interferes with the rights of conscience?

Mrs. BATEHAM. It does not. We should follow that which is best for the community, and which is the will of the community rather than the greed of a few; but when it comes to conscientious scruples, we say they must be respected. Our Constitution guaranties that a man shall worship according to the dictates of his conscience. We believe that that principle must be respected, and that it can be respected, and yet at the same time allow society to have a uniform day of rest.

The CHAIRMAN. How far would that uniform day restrain a man any further than that he shall not disturb others?

Mrs. BATEHAM. For instance, he could not possibly hire another man to work for him, because that would be interfering with the other man's right to rest. He could not work in a way that would interfere with the public right to rest. He would have private rights.

The CHAIRMAN. Subject to those limits he may practice his belief.

Mrs. BATEHAM. Yes, sir.

Mr. STEARNS. I meant to emphasize the point, in the first place, that I never saw a wage-worker or employé who was not in favor of this movement.

I wish to say another thing, that for myself I find that for physical recuperation I need one day in seven. I should have found that out had there been no divine law.

#### REMARKS BY C. R. HUNT.

Mr. HUNT. I represent the Sabbath Association of Iowa. I wish to say that the association was recently formed. It was formed in October, and we have not yet gotten our petitions out over the State as we had desired before this significant time, but the people generally all over our State are very much interested in this movement.

Ex-Railroad Commissioner Coffin gives the statement that there are 25,000 railroad men in the State of Iowa who are kept from their Sab-

bath rest because of their employment by the railroad companies, and that there are some 75,000 in their families whose Sabbath rest is also thus interfered with. As there are so many wage-workers all over the United States who are thus kept from their Sabbath rest, I wish to make a little review of the grounds on which our friends who wish to have the seventh day observed object to any Sabbath law. They demand that all should be free to act in accordance with conscience. Take the 75,000 in Iowa, no less than 125,000 in Illinois, perhaps 100,000 in Indiana, 125,000 or 150,000 in Ohio, and so traverse the whole United States, and see what the number will be. Here our friends say they want all free to act in accordance with their conscience.

The men who are working for railroads fear that as soon as they quit their railroad work they will be unable to support their families, because railroading is their business; the only work they are accustomed to. So we see at once if they have a conscience against Sunday work and religious convictions against it, it is religious oppression to keep them in this employment.

Yet those bodies of men who prefer the seventh day come here and cry out against all legislation, and say that we should not have a civil Sunday, because they do not agree with us as to that day. What are the relative numbers? We can see at once that the wage-workers will outnumber them by a great majority. The only test is whether their religious convictions are worth more than those of the wage-workers. As to numbers; as to religious liberty; as to religious convictions, the conclusion is at once in favor of the great majority who are oppressed by Sunday labor.

#### ARGUMENT BY PROF. ALONZO T. JONES.

The CHAIRMAN. You will have a full hour, professor. It is now half past 1.

Mr. JONES. There are three particular lines in which I wish to conduct the argument: First, the principles upon which we stand; secondly, the historical view, and then the practical aspect, coming down to this day and that which is going on.

The principle upon which we stand is that civil government is civil and has nothing to do with religious observances in any way in the matter of legislation. The basis of that is found in the words of Jesus Christ, in the twenty-second chapter of Matthew, twenty-first verse. When they asked whether it was lawful to give tribute to Cæsar or not He replied:

Render therefore unto Cæsar the things which are Cæsar's, and unto God the things that are God's.

In this the Savior certainly separated that which pertains to Cæsar from that which pertains to God. We are not to render to Cæsar that which pertains to God; we are not to render to God by Cæsar that which pertains to God.

The CHAIRMAN. May not the thing due to Cæsar be due to God also?

Mr. JONES. No, sir. If that be so, then the Savior did entangle Himself in His talk—the very thing which they wanted Him to do. That is what it says, that they wanted to entangle Him in His talk. If He has drawn the distinction He has between that which belongs to Cæsar and that which belongs to God and there are those things which belong to both, then he did entangle Himself in His talk.



The CHAIRMAN. Is it not a requirement of God that we render to Cæsar that which is due to Cæsar?

Mr. JONES. Yes.

The CHAIRMAN. If Cæsar is society and the Sabbath is required for the good of society, does not God require us to establish the Sabbath for the good of society, and if society makes a law accordingly is it not binding?

Mr. JONES. It is the good of society to be Christian; it would be for the benefit of society.

The CHAIRMAN. Do you not confuse this matter? A thing may be required for the good of society, and for that very reason be in accordance with the will and the command of God. God uses His command for the good of society, does He not? God does not give us commands that have no relation to the good of society.

Mr. JONES. His commands are for the good of man.

The CHAIRMAN. Man is society; it is made up of individual men.

Mr. JONES. But what He has issued to man for the good of men He has given those things which pertain solely to man's relationship to his God, and He has also given things which pertain to man's relationship to his fellow-men. Those things in which our duty pertains to our fellow-men civil government can have something to do with, and yet not as a duty to God.

The CHAIRMAN. Man would obey God in obeying civil society?

Mr. JONES. All right; I will come to that point. As to those things which pertain to our duty to God, society has nothing to do with the individual's right of exercising before God. In the formation of civil society you know there are certain rights surrendered to society by the individual, without which society could not be organized.

The CHAIRMAN. That is not conceded. When was this doctrine of a compact in society made? It is the philosophy of an infidel.

Mr. JONES. It is made wherever you find men thrown together, I care not how.

The CHAIRMAN. Did you and I ever agree to it? Did it bind us before we were *compos mentis*?

Mr. JONES. Certainly; civil government is an ordinance of God.

The CHAIRMAN. Then it is not an agreement of man, necessarily.

Mr. JONES. Yes, sir; it springs from the people.

The CHAIRMAN. As to the compact of society, that is talked about; it is not conceded, you know, that it is a matter of personal and individual agreement. Society exists altogether independent of the volition of those who enter into it. However, I shall not interrupt you further. I only did this because of our private conversation, in which I thought that you labored under a fallacy in your fundamental proposition that would lead all the way through your argument. I suggested that ground, and that is all.

Mr. JONES. I think the statement of the Declaration of Independence is true, which says that "governments derive their just powers from the consent of the governed."

The CHAIRMAN. I do not controvert that.

Mr. JONES. That is the theory of civil government upon which we stand.

The CHAIRMAN. But society is behind the government which society creates.

Mr. JONES. Certainly. All civil government springs from the people, I care not in what form it is.

The CHAIRMAN. That is all agreed to.



Mr. JONES. But the people, I care not how many they are, have no right to invade your relationship to God nor mine. That rests between me and God through faith in Jesus Christ, and as the Saviour has made this distinction between that which pertains to Cæsar and that which is God's, when Cæsar invades the realm of that which pertains to God then Cæsar is out of his place, and in so far as Cæsar is put there God is denied, because in that place if God is denied then Cæsar is put in the place of God, and there is a usurpation of powers by Cæsar that do not belong to him.

This argument is confirmed by the Lord's own commentary upon that text in Romans xiii, first to tenth verses. There the apostle is writing of this same thing, and it will confirm the statement I have made. I come now to the commandment which these people want to enforce:

Remember the Sabbath day to keep it holy.

At least they want to make whatever term they choose to speak of it.

Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God.

Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation.

Then the apostle speaks the other words about how the civil government of society bears the sword not in vain. Then we come to the sixth verse:

For, for this cause pay ye tribute also.

In the seventh verse he says:

Render therefore to all their dues; tribute to whom tribute is due.

It is plain to be seen that those words of the apostles were written with direct reference to the words of Christ in regard to tribute. Shall we render tribute; and, if so, to whom? To Cæsar. We do not render tribute to God; we render worship to Him. We need not pay taxes to Him. But here the apostle is writing of that same subject of tribute, that which we owe to the powers that be, and he says:

Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honor to whom honor.

Owe no man any thing, but to love one another; for he that loveth another hath fulfilled the law.

For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet, and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbor as thyself.

The apostle of Jesus Christ knew full well that there are other commandments besides those which he quoted. He knew that there are commandments of that same law, the Decalogue from which he quoted; but yet he quotes certain ones and says:

If there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbor as thyself.

Why is it that he, knowing of the first four commandments of that law from which he quoted, that thou shalt have no other Gods, that thou shalt not make any graven image, thou shalt not take the name of the Lord thy God in vain, and remember the Sabbath day to keep it holy, because it is the Sabbath of the Lord, and knowing of the one great commandment which says, thou shalt love the Lord thy God with all thy heart, and all thy soul, and all thy mind and strength, yet when

he quotes five of the ten he says, if there be any other one it is comprehended in this, love your neighbor as yourself?

Why did he leave out the first four commandments and the great one, when he knew full well that they are there, when he says if there be any other commandment, it is comprehended in love your neighbor as yourself?

Why did he do it? For this reason: He is writing of that which we owe to the powers that be. He is writing of that which we are to render to Cæsar; and therefore in writing of that which was rendered to Cæsar, and which we owe to the powers that be, the Lord himself has left out the first four commandments of His own law.

Therefore, whenever any civil government attempts to enforce anything in regard to any one of the first four commandments it invades the prerogative of God and is to be disobeyed (I do not say resisted, but disobeyed); and as the Lord has left out of the account these commandments in His own command upon the principle which Christ established, so we deny forever the right of any civil government to legislate in anything that pertains to God. This Sunday bill does propose to legislate in regard to the Lord's Day. If it is the Lord's Day we are to render it to the Lord, not to Cæsar. When Cæsar exacts it of us he is exacting what does not belong to him, and is demanding of us that with which he has nothing at all to do.

The CHAIRMAN. Would it answer your objection in that regard if, instead of saying "the Lord's Day," we should say "Sunday?"

Mr. JONES. No, sir; because the underlying principle of Sunday is ecclesiastical, and it is ecclesiastical legislation. I will come to the question you ask presently, and we shall see how it runs.

Now, do not misunderstand us on this point. We are Seventh-Day Adventists, but if this bill were in favor of enforcing the seventh day as the Lord's Day we would oppose it just as much as we oppose it as it is now, for the reason that civil government has nothing to do with what we owe to God, or whether we owe it at all or not, or whether we pay it or not.

The CHAIRMAN. You oppose all the Sunday laws of the country, then?

Mr. JONES. Yes, sir.

The CHAIRMAN. You are against all Sunday laws?

Mr. JONES. Yes, sir; we are against every Sunday law that was ever made in this world from the first enacted by Constantine to this one now proposed.

The CHAIRMAN. State and national alike?

Mr. JONES. State and national, sir. I shall give you historical reasons presently, and the facts upon which these things stand, and I hope they will receive some consideration.

George Washington, I believe, is given some weight, at least by the Seventh-Day Adventists, and he said every man who conducts himself as a good citizen is accountable alone to God for his religious faith, and is to be protected in worshiping God according to the dictates of his own conscience, and so should we be protected so long as we pay our taxes, so long as we are law-abiding citizens, and you will find none more law-abiding in the United States than the denomination to which I belong. There are no saloon keepers among them. They are not found in the courts of law in litigation with their neighbors, or anything of that kind. You will find no people in this country or in the world more peaceable and law-abiding than they. We teach them that one of the highest duties of the Christian citizen is to obey the law and pay taxes.



The CHAIRMAN. That is the common Mormon argument. The Mormons say their institution is a matter of religious belief. Everybody concedes their right to believe in Mormonism, but when they come to the point of practicing it, will it not be to the disturbance of others?

Mr. JONES. I shall come to that point, and I should have come to it if you had not asked the question. We have stated that it is contrary to Scripture, contrary to the principle of Christ, to have the civil government legislate in anything that pertains to God. It is every man's right in this country, and anywhere else, to worship an idol if he chooses. Fallen man says that his God is what he thinks he is. That is the only way he can worship. He can only worship what he thinks. That is the God whom he worships. I do not care what shape it is or what form it is, and he has the right to worship that God anywhere in all the wide world. But suppose in the worship of that God he attempts to take the life of one of his fellow-men and offer it as a human sacrifice? The civil government exists for the protection of life, liberty, property, etc. The civil law protects the man's life from the exercise of that man's religion, but in legislating it does not legislate in regard to his religion; it legislates in regard to the protection of the citizens whom it is made to protect, and for whose protection it exists. That is what the civil law is for.

Again, there are people who believe in community of property in this world. Suppose they base their principles upon the apostolic example that they had all things in common. Very good; they have the right to do that if they want to. Every one who sells his property and comes and puts it into a common fund has a right to do that if he wants to. Every one who submits to that has a right to do it. But suppose these men, in carrying out that principle and in claiming that it is a religious ordinance and according to the will of God, were to take your property or mine in their community, and they go and take it without your having given your consent to it, then what? The State forbids it. It does not forbid the exercise of their religion, but it protects your property and mine.

Therefore it is true (and you, or anybody else, may think of it as long as you please), the State in its legislation can never legislate properly in regard to any man's religious faith, or in relation to anything in the first four commandments of the Decalogue; but if in the exercise of his religious convictions under the first four commandments he invades the rights of his neighbor, then the civil government says that is unlawful. Why? Because it is irreligious or because it is immoral? Not at all; but because it is uncivil, and for that reason only.

The CHAIRMAN. Now apply that right to this case.

Mr. JONES. Yes; to Mormondom.

The CHAIRMAN. No; to the institution of the Sabbath among men for the good of men.

Mr. JONES. Let us look at that point. Here are persons who are keeping Sunday, we will say. It is their right to work on every other day of the week but that. It is their right to work on that day if they want to. They are keeping that day. It is the Sabbath; they recognize it as Sabbath. Very good. Now, then, when they are doing that all right, here are other people who are keeping Saturday, or we will say Friday. The Mohammedan recognizes Friday. Here are other people who keep Saturday, the seventh day, as the Sabbath. Those who keep Sunday, and who want legislation for that day, ask that other people shall be forbidden to work on Sunday because it disturbs



their rest; it disturbs their worship, etc., and they claim that their rights are not properly protected.

Do they really believe that in principle? Let us see. They will never admit—at any rate I have never yet found one of them who would admit—that their work on Saturday disturbs the rest or the worship of the man who rests on Saturday. If their work on Saturday does not disturb the Sabbath rest of the man who keeps Saturday, then upon what principle is it that our work on Sunday disturbs their rest because they keep Sunday? I have never found one on that side yet who would admit the principle. If their work does not disturb our rest and our worship, our work can not disturb their rest or their worship.

More than this, in a Sunday convention held in California, in which I was present, there was a person who spoke on this very question, Said he, "There are some people, and a good many of them, in this State who do not believe in Sunday laws, and they keep Saturday as the Sabbath. But," said he, "the majority must rule. The vast majority of the people do keep Sunday, and their methods must be respected, and they have a right to enact it into a law." I rose and said, "Suppose the seventh-day people were in the majority, and they should go to the legislature and ask for a law to compel you to keep Saturday, out of respect to their rights, would you consider it right?" There was a murmur all over the house, "No."

The CHAIRMAN. Upon what ground did they say "no?"

Mr. JONES. That is what I should like to know. There is no ground logically except the claim that the majority has the right to rule in matters of conscience.

The CHAIRMAN. That does not follow; at least it does not strike me that it follows. The majority has a right to rule in what pertains to the regulation of society, and if Cæsar regulates society, then the majority has a right in this country to say what shall be rendered to Cæsar.

Mr. JONES. If nine hundred and ninety-nine people out of every thousand in the United States kept the seventh day, that is Saturday, and I deemed it my choice and right to keep Sunday, I would insist on it, and they would have no right to compel me to rest on Saturday.

The CHAIRMAN. In other words, you take the ground that for the good of society, irrespective of the religious aspect of the question, society may not require abstinence from labor on the Sabbath if it disturbs others?

Mr. JONES. No, sir.

The CHAIRMAN. You are logical all the way through that there shall be no Sabbath. This question was passed to me to ask: Is the speaker also opposed to all laws against blasphemy?

Mr. JONES. Yes, sir; not because blasphemy is not wrong, but because the civil government can not define blasphemy nor punish it. Blasphemy pertains to God; it is an offense against Him; it is a sin against Him.

The CHAIRMAN. Suppose the practice of it in society at large is hurtful to society?

Mr. JONES. That will have to be explained. How is it hurtful to society?

The CHAIRMAN. Suppose it be hurtful to society in this way, that a belief in the existence of God and reverence for the Creator and the cultivation of that sentiment in society is for the good of society, in fact, the basis of all law and restraint. If the Almighty, who knows every

thing, or is supposed to know, and has all power, has no right to restrain us, it is difficult to see how we can restrain each other.

Mr. JONES. He has the right to restrain us. He does restrain us.

The CHAIRMAN. To commonly blaspheme and deride and ridicule the Almighty would of course have a tendency to bring up the children who are soon to be the state in an absolute disregard of Him and His authority. Blasphemy, as I understand it, is that practice which brings the Creator into contempt and ridicule among His creatures.

Mr. JONES. What is blasphemy here would not be blasphemy at all in China.

The CHAIRMAN. We are not dealing with the pagan community. A regulation that may be appropriate in a pagan community would not answer men in a Christian community. Do you mean to say that there is no such thing as blasphemy?

Mr. JONES. Oh, no; not at all.

The CHAIRMAN. The Chinaman hardly believes in any God whatever; at least in no such God as we do. Taking our God and these Christian institutions of ours, what do you understand blasphemy to be?

Mr. JONES. There are a good many things that the Scripture shows to be blasphemy.

The CHAIRMAN. The power of the law has undertaken in various States to say that certain things are blasphemy.

Mr. JONES. Precisely; but if the law is going to define blasphemy and punish it, why does it not go to the depths of it and define all and punish all?

The CHAIRMAN. Perhaps it may not go as far as it ought. You say you are against all laws against blasphemy, cursing, and swearing?

Mr. JONES. In relation to any one of the four first commandments.

Senator PALMER. Suppose that what is defined as blasphemy in the statutes of the several States should detract from the observance of the law and regard for it, would you regard laws against it as being improper?

Mr. JONES. Under the principle that the Scripture lays down no legislation in any way can be proper in regard to the first four Commandments. There may be many ways in which it would appear very nice and very appropriate for civil government to do this or to do that, but when you have gone over the line where will you stop?

Senator PALMER. Abstaining from blasphemy is a part of the education of the youth of the country.

Mr. JONES. That is true. If youth are properly educated they will never blaspheme.

Senator PALMER. We pass laws for the education of the youth. The question is whether abstention from blasphemy could not be included in the scope of education. Take it on that ground.

Mr. JONES. Idolatry (and covetousness is idolatry) is no more than a violation of the first Commandment—

Thou shalt have no other gods before me.

The CHAIRMAN. Covetousness is a state of mind, but when covetousness becomes practice by stealing, taking from another without consideration, the law interferes.

Mr. JONES. Certainly.

Senator PALMER. There is an infection in blasphemy or in covetousness. For instance, if one covetous man in a neighborhood should infuse the whole neighborhood with covetousness to such an extent that



all would become thieves, then covetousness would be a proper subject of legislation.

Mr. JONES. Never. You forbid the theft, not the covetousness. You can not invade the condition of mind which is covetousness.

The CHAIRMAN. We do not say that we must invade the condition of mind; but society has a right to make regulations, because those regulations are essential to the good of society. Society, by a major vote, establishes a regulation, and we have to obey what is settled by the majority.

Mr. JONES. In regard to the New England theocracy, our historian Bancroft said that just simply for the sentiment they punished (stating how and to what extent) blasphemy, or whatever a jury of twelve men should consider to be blasphemy.

The CHAIRMAN. But the law was behind the jury and said that the practice should be punished. If a jury of twelve men said that one had committed the overt act, then it could be punished. It was the majority who made the law, and the jury only found the question of fact after the law had been violated. The jury did not make the law. This before us is a question as to making a law.

Mr. JONES. When Paul spoke, and wherever he spoke in the Roman Empire, he was blaspheming according to the law, and he was held as a blasphemer and as an atheist, and was put to death under that very principle.

The CHAIRMAN. The law was wrong, you say?

Mr. JONES. Certainly, the law was wrong. The Roman law was that no man should have particular gods of his own.

The CHAIRMAN. That law was not for the good of society?

Mr. JONES. No, sir.

The CHAIRMAN. Certainly it was not; then you have to repeal the law or obey it?

Mr. JONES. It ought to be repealed.

The CHAIRMAN. During these eighteen hundred years we have contrived to repeal that law; but here comes an intelligent people who have evolved among themselves, as the result of a thousand or fifteen hundred years of history, among other things, the institution of the Christian Sabbath which is written into the laws of every State in this country, so that the whole American people, made up of communities or States, have enacted the principle of this law.

Mr. JONES. The same principle is under the bill before the committee. There is the same principle under it all. If you can legislate in regard to the Sabbath, you can legislate in regard to blasphemy, you can legislate in regard to idolatry.

The CHAIRMAN. You deny the right of the majority, in other words, to make a law in conformity with which the whole shall practice in society?

Mr. JONES. I deny the right of any civil government to make any law respecting anything that pertains to man's relationship to his God under the first four of the Ten Commandments.

The CHAIRMAN. Then you assume that this bill and all Sunday laws concern only the relation of man to God and not the relation of men to each other?

Mr. JONES. That is the principle by which other things come in.

The CHAIRMAN. Right there I found fault with your original proposition. You have got to establish before you can defeat the ground of Sunday laws, that Sunday laws are not for the good of Cæsar, that is, not for the good of society.



Mr. JONES. I have not had time to prove that yet. I will prove fully that Sunday laws are not for the good of anybody.

The CHAIRMAN. Come to the point as soon as you can. That is the point in this case as between you and the law proposed to be enacted.

Mr. JONES. As I was saying, and I want to come to that point in the line which I had laid out, when the Christians went into the Roman Empire worshipping God through Jesus Christ every man who professed the name of Christ made himself a traitor to the Roman Empire. The Roman Empire had also a law not only that no man should have particular gods of his own, but that whoever introduced a new religion should be put to death if of the lower ranks. That was the law.

The Christians did have a particular God of their own, not recognized by the Roman law. They did introduce a new religion. The Roman Empire enforced the law, and that is why the Christians were put to death. If things pertaining to God be a proper subject of legislation by civil government, then no Christian was ever persecuted, and there never has been persecution in this world. All that the Roman Empire did in killing the Christians was to enforce the law.

Then the question was with the Christians at that time, and the question is with us, Was not the law wrong, and did not the Christians have the right to attack the law? That is all they did. When a Christian was brought before the magistrate and asked whether he had a particular God of his own, he answered, "Yes."

Q. Did you not know that the law was against it?—A. Yes.

Q. Have you not introduced a new religion?—A. Yes.

Q. Did you not know the law was against it?—A. Yes.

Q. Did you not know that the penalty was death if of the lower ranks?—A. Yes.

Q. You are of the lower ranks?—A. Yes.

Q. You have introduced a new religion?—A. Yes.

Q. You have a God of your own?—A. Yes.

Q. What is the penalty?—A. Death.

That is all; the Romans only enforced the law upon the Christians in the first ages of Christianity, and there was no persecution in it if the principle be recognized that civil government has a right to legislate in religious things; they were only enforcing the law. That is all the Roman emperors did from that time of Constantine or any other time. All the papacy did in the Middle Ages was to have the emperors enforce the law. We come just to the point where the Christians were at that time. We come to the root of the whole matter and deny the right of the civil government to legislate on anything that pertains to our duties to God under the first four commandments.

The CHAIRMAN. Do you understand that this bill undertakes to make anybody worship God?

Mr. JONES. Yes, sir; I do say that, and I will prove it by facts from that side themselves. Now, I will take the second point, the historical part of this very thing, and I want you all to see that in this precise way the Papacy was made in the fourth century. I shall read all that I do read perhaps from Neander's Church History, second volume, Professor Torrey's edition, Boston, 1852. There are other editions in which the pages differ a little from this one, and I can only refer to it by the page. It is in sections and then subsections all the way through. It is not chaptered, so that I can not give any more definite references.

The principle that the Christians asserted was to render to Cæsar that which is Cæsar's, and to deny the right of Cæsar to demand anything that pertained to God. They gave their lives in support of that principle against the law of the Roman Empire and against the very existence of the Roman Empire. But this principle was carried on until it

forced the Roman Empire with all its power to recognize the right of every man to have particular gods of his own.

The Roman Empire did come in the days of Constantine and Lycinias to that fact at the death of Galerius, and it was decreed in the Roman law that every man should be at liberty to have whatever god he pleased and worship him as he pleased. But it was the Christian principle that forced the Roman Empire to that point in the face of the Roman law, which they opposed when Christ first started His doctrine in the world.

It is the Christian doctrine that civil government has nothing at all to do with religious things under the first four commandments. The Christians asserted that, and they brought the Roman Empire to that point where it was forced to recognize, just as every national constitution does now, that the civil government shall have nothing to do with religion, but leave that to every man's conscience and his God. As long as he is a good citizen they will protect him, and he has a right to worship whom he pleases and when he pleases and as he pleases. When brought to that point it only trembled in the balance for a little while, and then the Papacy, with that ambitious spirit that developed the Papacy, took up the strain, and took up that line of work which ended in the imperious despotism of the Middle Ages. I want you to see just how that was done, and you will have no difficulty then in seeing the secret of this movement.

I read first from page 132 of volume 2 of Neander's Church History. Neander says:

There had in fact arisen in the church \* \* \* a false theocratical \* \* \*, grounding itself on the idea of a visible priesthood belonging to the essence of the church and governing the church, brought along with it an unchristian opposition of the spiritual to the secular power, and which might easily result in the formation of a sacerdotal state, subordinating the secular to itself in a false and outward way. (*Neander's Church History, vol. 2, page 132.*)

Then it was a theocratic theory of government that was the prevailing one. Neander says in the next paragraph:

This theocratical theory was also the prevailing one in the time of Constantine.

Out of that theocratic theory of government the Papacy grew, which did subordinate the civil to the ecclesiastical power, and that same spirit is to be guarded against to-day in the United States as much as in any other country.

I wish to put alongside of this the parallel as we go. I want you to see that there is a theocratical theory underlying this whole thing. Mrs. Bateham has said that the Woman's Christian Temperance Union started this movement a little while ago, and they have worked it out. What is their aim in civil government? I read from the monthly reading of the Woman's Christian Temperance Union of September, 1886, a monthly reading read in all the local unions throughout the country, the following:

A true theocracy is yet to come; \* \* \* hence I pray devoutly, as a Christian patriot, for the ballot in the hands of women, and rejoice that the National Woman's Christian Temperance Union has so long championed this cause.—*Woman's Christian Temperance Union Monthly Reading for September, 1886.*

A theocratical theory again is coming in to interfere in civil things, to establish a theocracy, and to subordinate the civil at the last to the ecclesiastical.

The CHAIRMAN. Do you think that the question of giving the ballot to women is a religious question?

Mr. JONES. No; I only read this for the purpose of giving the proof



that there is a theocratical theory coming in as there was then, so as to show the parallel.

The CHAIRMAN. But the parallel seems to imply that the extension of the suffrage to woman is by divine appointment, and is the introduction of a theocratic form of government?

Mr. JONES. Yes, they want the ballot so as to make theocracy successful.

The CHAIRMAN. Therefore, you would be against woman suffrage?

Mr. JONES. I would be against woman suffrage or any other kind of suffrage to establish a theocracy.

The CHAIRMAN. But that is not the question. It is possible these women have misstated their own idea there.

Mr. JONES. No, because I have other proofs. Let me read them.

Senator PALMER. Do you suppose they intended there a practical theocracy?

Mr. JONES. Let me read further and you will get their own words.

The CHAIRMAN. If these women are trying to overthrow the institutions of the country and are about to establish a sacerdotal state we ought to know it.

Mr. JONES. That is it, and that is why I am showing here. We want the nation to know it.

The CHAIRMAN. These women need looking after, I admit.

Mr. JONES. They do in that respect, and there are many men concerned in the same business.

The CHAIRMAN. Otherwise it would not be dangerous?

Mr. JONES. It would be dangerous anyway. A theocratical theory of government is dangerous anywhere. It is anti-Christian; it is contrary to right and the principles of justice.

The CHAIRMAN. Do you not suppose that the government of heaven is a theocracy?

Mr. JONES. Yes, sir; but a civil government is not.

The CHAIRMAN. Then why is it dangerous?

Mr. JONES. Governments of earth are not dangerous when properly controlled.

The CHAIRMAN. They only say that the true theocracy is yet to come. A millennium is supposed to be coming. Perhaps they have reference to the millennium that we have not yet got, so that they must wait some years before they get it.

Mr. JONES. But I am going to read what kind of laws they propose to make to bring in the millennium.

The CHAIRMAN. So far as you have read you have not touched the question, for they say "a true theocracy is yet to come," and it may be they are looking to the coming down of the new Jerusalem for the time of the new theocracy.

Mr. JONES. No, because no true theocracy can ever come through civil laws, or through politics, or through the ballot.

The CHAIRMAN. That is not sure at all.

Mr. JONES. It is by the Scriptures.

The CHAIRMAN. I do not know; I have read the Bible several times. But go on.

Mr. JONES. Another statement is the following:

The Woman's Christian Temperance Union, local, state, national, and world-wide, has one vital, organic thought, one all-absorbing purpose, one undying enthusiasm, and that is, that Christ shall be this world's king. Yea, verily, this world's king—

The CHAIRMAN. "Shall be?"



Mr. JONES. "Shall be this world's king."

The CHAIRMAN. But you are a clergyman, and you read the Bible to us.

Mr. JONES. I am going to read a passage presently right on this point.

The CHAIRMAN. It is not the same Bible, if the time when Christ is to be king is the present.

Mr. JONES. I am going to read a passage from the Bible in connection with this subject.

The Woman's Christian Temperance Union, local, state, national, and world-wide, has one vital, organic thought, one all-absorbing purpose, one undying enthusiasm, and that is, that Christ shall be this world's king. Yea, verily, this world's king in its realm of cause and effect; king of its courts, its camps, its commerce; king of its colleges and cloisters; king of its customs and its constitutions.

That emphasizes this world's king. Jesus Christ himself said, "My kingdom is not of this world." Then, assuredly, the Woman's Christian Temperance Union stands flatly against the word of Jesus Christ, and saying that that kingdom is to enter the realm of the law through the gate-way of politics. Jesus Christ has His entrance through the gate-way of the gospel and not through politics.

Neander says, as I was reading, on page 132 of this volume:

This theocratical theory was already the prevailing one in the time of Constantine; and \* \* \* the bishops voluntarily made themselves dependent on him by their disputes and by their determination to make use of the power of the state for the furtherance of their own aims. (*Id.*, p. 132.)

What, then, were their aims? Their first and greatest aim was the exaltation of themselves; and second only to that was the exaltation of Sunday. These two things had been their principal aims, and especially of the bishops of Rome, for more than a hundred years, when Constantine gave them a chance to make their aims effectual by the power of the state. The first assertion of the arrogant pretensions of the bishop of Rome to power over the whole church was made in behalf of Sunday by Victor, who was bishop of Rome from A. D. 193 to 202.

He wrote an imperious letter to the Asiatic prelates, commanding them to imitate the example of the Western Christians with respect to the time of celebrating Easter (that is, commanding them to celebrate it always on Sunday). The Asiatics answered this lordly requisition \* \* \* with great spirit and resolution, that they would by no means depart, in this manner, from the custom handed down to them by their ancestors. Upon this the thunder of excommunication began to roar. Victor, exasperated by this resolute answer of the Asiatic bishops, broke communion with them, pronounced them unworthy of the name of his brethren, and excluded them from all fellowship with the Church of Rome. (Mosheim, Church History, Second Century, Part II, Chapter V, par. 11.)

The one means by which these church managers secured from Constantine the use of the power of the state was the famous edict prohibiting certain kinds of work on "the venerable day of the sun." That edict runs thus:

Let all the judges and towns-people and the occupation of all trades rest on the venerable day of the sun, but let those who are situated in the country freely and at full liberty attend to the business of agriculture, because it often happens that no other day is so fit for sowing corn and planting vines, lest the critical moment being let slip men should lose the commodities granted by Heaven.

This edict was issued March 7, A. D. 321. It will be seen by this edict that only judges and towns-people and mechanics were commanded to rest on Sunday. If mechanics were allowed to work the spiritual temple could not be built "without the noise of the hammer;" don't you

see? But this did not satisfy the political managers of the churches for any great length of time.

By a law of the year 386 those older changes effected by the Emperor Constantine were more rigorously enforced, and, in general, civil transactions of every kind on Sunday were strictly forbidden. Whoever transgressed was to be considered, in fact, as guilty of sacrilege. (*Neander, Id., p. 300.*)

But these laws only prohibited work on Sunday; pleasure-seeking, games, etc., were not even yet prohibited. Consequently a church convention held at Carthage in 401—

Resolved to petition the Emperor that the public shows might be transferred from the Christian Sunday and from feast days to some other days of the week. (*Ib.*)

And the sole reason given by that convention was: "Because the people gather more to the circus than to the church."

But what was the purpose of all these Sunday laws and petitions for Sunday laws? From the first Sunday law enacted by Constantine to the last one enacted by any other emperor; from the first petition presented by the political bishops of the fourth century to this last one circulated by the political preachers of the United States; the sole reason and purpose has always been—

So that the day might be devoted with less interruption to the purposes of devotion, and in order that the devotion of the faithful might be free from all disturbance. *Id., pp. 297, 301.*

But what was it that disturbed the devotion of the faithful on Sundays in the fourth century?

Owing to the prevailing passion at that time, especially in the large cities, to run after the various public shows, it so happened that when these spectacles fell on the same days which had been consecrated by the church to some religious festival, they proved a great hindrance to the devotion of Christians, though chiefly, it must be allowed, to those whose Christianity was the least an affair of the life and of the heart. *Id., p. 300.*

But, again, how could a theater or a circus in one part of the city hinder the devotion of the faithful in another, and perhaps distant, part of the city, or even in the country? Thus:

Church teachers \* \* \* were, in truth, often forced to complain that in such competitions the theater was vastly more frequented than the church. *Ib. c.*

That is the secret of the hindrance to their devotion. If there was a circus or a public show on Sunday, it would get a great many spectators, and "so break up a great many congregations;" the church-members would go to the circus, and "let the hour of worship go by unheeded;" and so their devotion was greatly disturbed and hindered.

But yet those ambitious prelates of the fourth century were not content with stopping all manner of work and closing public places on Sunday. They had secured the power of the state so far, and they determined to carry it yet further, and use the power of the state to compel everybody to worship according to the dictates of the church. And one of the greatest fathers of the church was father to this theory. That was the great church father and Catholic saint, Augustine, and, by the way, he is grandfather to national reform, too, as we shall prove one of these days. Augustine taught that—

It is indeed better that men should be brought to serve God by instruction than by fear of punishment or by pain. But because the former means are better, the latter must not therefore be neglected. \* \* \* Many must often be brought back to their Lord, like wicked servants, by the rod of temporal suffering, before they attain to the highest grade of religious development. *§ Schaff, Church History, Vol. II, section 27.*



And says Neander:

It was by Augustine, then, that a theory was proposed and founded, which \* \* \* contained the germ of that whole system of spiritual despotism, of intolerance and persecution, which ended in the tribunals of the Inquisition. *Neander, Id.*, p. 217.

Of that whole fourth century Sunday-law movement, from beginning to end, Neander, with direct reference to those Sunday laws, says:

In this way the church received help from the state for the furtherance of her ends. *Id.*, p. 301.

That is the indisputable truth of the matter. And it is just as indisputably true that this Sunday-law movement in our day in this nation, is only another attempt of the church to seize upon the power of the state and use it to further her own aims. And just as surely as these political preachers of our day secure the power and the recognition of the state in their first step, they will carry it to the last step, and the logical end to which it was carried in the fourth century, and afterward in the working of the theory of Augustine.

The church of our day can no more safely be trusted with political power than could that of the fourth century, or of any other century. The only safety for the people, and the only security for the state, is to make it perfectly certain that the church shall never receive the help of the state for the furtherance of her own ends; and that she shall never obtain any recognition at all by the civil power, beyond that granted to every other person or class in the nation.

By these evidences from the fourth century, as well as by the evidences from the church conventions of our own day, it is demonstrated again that there is no such thing as a civil Sunday, and that there is no such thing as civil Sunday laws.

The first Sunday law that ever was enacted was at the request of the church; it was in behalf of the church; and it was expressly to help the church. The call for Sunday laws now is by the church; and wherever they are enacted or enforced, it is in behalf of the church, and to help the church; and it is so throughout history. The keeping of Sunday is not a civil duty, and can not of right be made a civil duty. Sunday is wholly an ecclesiastical institution, and the keeping of it can only be enjoined or enforced by ecclesiastical power. And whenever the civil power attempts to enjoin or enforce it, the civil power then in that is made subordinate to the ecclesiastical, and becomes only an instrument of ecclesiastical oppression.

That is the use that was made of Sunday laws in the fourth century; it is the use that has been made of them in the United States within the last three years; and that is the use that will be made of them in days to come as surely as the churches secure this help of the state in the furtherance of their own political and ambitious aims. Through Sunday laws the Papacy was developed in the fourth century; and through Sunday laws there will yet be developed a living image of the Papacy in this country. Therefore we are, and everybody else ought to be, uncompromisingly opposed to the enactment or the enforcement of any manner of Sunday laws.

Mr. Elliott, who has spoken here, knows that there is no law in the Bible for keeping the first day of the week. I could read a passage from his own book, the *Abiding Sabbath*, page 184, in which he confesses the complete silence of the New Testament so far as any explicit command for the Sabbath or definite rules for its observance are concerned; and everybody knows that the Old Testament does not say



anything about the first day of the week as the day of the resurrection of the Savior. Dr. Johnson, and others here this morning, have said the first day of the week was taken because it is a memorial of the resurrection of the Savior.

It is the New Testament that tells about the resurrection of the Saviour. That is granted. Doctor Elliott confesses, and the American Tract Society publishes it, that there is complete silence in the New Testament in regard to it. If there is complete silence there, what right have they to put it into a law or adopt it and try to compel by civil law other people to keep that for which there is no scriptural authority?

Let me read another passage from another book printed by the American Sabbath Union. They gave \$1,000 for that prize essay. Doctor Elliott got \$500 for his. On page 186 of *The Lord's Day*, written by Mr. E. A. Waffle, are these words:

Up to the time of Christ's death no change had been made in the day. The authority must be sought in the words or in the example of the inspired apostles.

Then on the very next page he says:

So far as the record shows they (the apostles) did not, however, give any explicit command enjoining the abandonment of the seventh-day Sabbath and its observance on the first day of the week.

Dr. Schaff, in the *Schaff-Hertzog Cyclopædia*, says there is no law for this observance in the Bible. Christ gave none. If they confess, as they do, that Christ gave no law for this observance, why do they want to compel people to observe it? I deny their right to compel me to do what Christ never commanded anybody to do.

The CHAIRMAN. You admit there was a Sabbath before Christ came?

Mr. JONES. Certainly.

The CHAIRMAN. And He said He came not to destroy but to fulfill?

Mr. JONES. Certainly.

The CHAIRMAN. Is there anything in the New Testament which destroys the Sabbath already existing?

Mr. JONES. No, sir.

The CHAIRMAN. Then, why does it not continue to exist?

Mr. JONES. It does exist, and we keep that commandment which provides for the Sabbath.

The CHAIRMAN. Then you say there is a Sabbath recognized, and that is equivalent to its re-affirmation by Christ?

Mr. JONES. Certainly.

The CHAIRMAN. I do not see from what you are stating but that Christ recognized an existing law and that is continuing at the present time. You say that it is one day and they say that it is another.

Mr. JONES. But they are after a law to enforce the first day of the week when they confess that Christ never gave any command at all in regard to it. The commandment God gave says the seventh day is the Sabbath.

The CHAIRMAN. It is still the Sabbath?

Mr. JONES. Certainly; and we keep it, and we deny the right of civil government to compel any man to not keep it.

The CHAIRMAN. The civil government of the Jews compelled its observance?

Mr. JONES. That was a theocracy.

The CHAIRMAN. Does it follow that when the only form of government is a theocracy and that embraces all that appertains to government, another form of government which is not a theocracy necessarily

can not embrace the same subject-matter as the theocracy? If the subject-matter of a theocracy, a monarchical, or a republican form of government is not the same, to control the establishment of good order in society, pray what is it? We say, and it is our form of government, that the people shall legislate, shall construe the law, and execute the law. Under the old theocratic form God made the law, God construed it, and God executed it through his instrumentalities; but we do just the same thing by the will of the people that under the theocratic form of government was done in the other way.

Now, if the Sabbath is necessarily for the general good of society, a republican form of government must make and enforce the observance of the Sabbath just as the theocracy did. You seem to be laboring, as it strikes me, under the impression that a civil government for the good of the people, carried on by us under the republican form, can not do anything that the theocratic form of government does when the theocratic is the only form. They necessarily cover the same subjects-matter, the control, the development of the good and the health of society, it makes no difference which one or the other it may be.

Mr. JONES. The theocratic government is a government of God.

The CHAIRMAN. So are the powers that be ordained of God.

Mr. JONES. This Government is not a government of God.

The CHAIRMAN. Do you not consider the Government of the United States as existing in accordance with the will of God?

Mr. JONES. Yes; but it is not a government of God. The government of God is a moral government. This is a civil government.

The CHAIRMAN. A theocracy is a civil government and governs in civil affairs as well as in the region of spirituality and morality and religion.

Mr. JONES. Certainly; and God governs it; and nothing but a theocracy can enforce those things which pertain to man's relation to God under the first four commandments.

The CHAIRMAN. But this proposed legislation is outside of the theocratic part of it.

Mr. JONES. That is the point I am making here, that if you allow this legislation you lead to the establishment of a new theocracy after the model of the papacy. That is the very point I am making, that civil government has nothing to do with religious things; that theocratic governments only have to do with religious things, and if you start in this course of religious things you will end only in a theocracy again, and that will be a man-made one, and that is just the papacy over again.

The CHAIRMAN. We have had the Sunday laws in this country for not exceeding 300 years. They have constantly become more and more liberalized. Have you ever known an instance, though the sentiment in favor of a Sabbath seems to be growing constantly stronger, where any State in this Union undertook to enact a law that anybody should go to church, which is the danger you seem to apprehend?

Mr. JONES. Not yet. They are now after the first law. This will lead to that. The law of Constantine was enacted in 321, and it only forbade at first. They did not ask for too much at first. One of the ministers over in San Diego a couple of months ago, said:

In this thing you must not ask for too much at first. Ask just what public sentiment will bear, and when you get that, ask for more.

As was said in another room in this Capitol:

If you give us a little we shall want more, and when we get more it will satisfy us pretty well, but we shall still want more.



The CHAIRMAN. Have you ever heard of a proposition being made in any legislative body to compel any one to attend church on Sunday?

Mr. JONES. The propositions that are made are for that very purpose, to stop the Sunday trains so they can go to church.

The CHAIRMAN. But these people come here and say they have no such purpose, and they have been doing these things in States for a hundred years, and during the colonial period anterior to that time. Have you ever heard on the American continent, within the territory of what is now the United States, a proposition or a suggestion in a legislative body to compel anybody to attend church?

Mr. JONES. Not in a legislative body, but in ecclesiastical bodies.

The CHAIRMAN. Ecclesiastical bodies do not make the laws. Congress is not an ecclesiastical body.

Mr. JONES. But it is an ecclesiastical body that is seeking to influence the law.

The CHAIRMAN. You are entirely logical, because you say there should be no Sunday legislation by state or nation either.

Mr. JONES. Yes, sir; of course; I am logical all the way through. I want to show you the principle that followed that, and the reasons I do this is because the last subject is involved in the first one. If you allow this principle and this movement to take the first step, they will see in the end that they take the last step. That is the danger. See how the logic of this thing came out and established the Inquisition.

The CHAIRMAN. Was the Inquisition abolished by the abolition of the Sunday laws?

Mr. JONES. No, it was established by it.

The CHAIRMAN. Then, if the Inquisition was established by the Sunday laws, how was it abolished but by the abolition of the Sabbath? How can you remove an effect except by removing its cause?

Mr. JONES. Because it never abolished the Sunday laws. The Sunday laws never have been abolished that would conform Sunday to everything.

The CHAIRMAN. Then the Sunday law could not have been the cause of the Inquisition?

Mr. JONES. The power which embodied the Inquisition still continues and its emissaries have been in this country defending the Inquisition. That same power is now grasping for the control of the civil law, and the same causes generally produce the same effects.

The CHAIRMAN. And the removal of the causes removes the effects with them?

Mr. JONES. Sometimes.

The CHAIRMAN. Therefore the Sunday law was not the cause of the Inquisition, unless the Inquisition still exists.

Mr. JONES. No; the Sunday law did not cause the Inquisition.

The CHAIRMAN. I understood you to say that it did.

Mr. JONES. I say through that the church received the power to make the work of the Inquisition felt. I may use a means of getting a certain power, conditioned that when I get that power I may use it in such a way entirely different from any way in which the means were obtained, and a thing may be forbidden and yet the means by which I obtained it may not be forbidden.

The CHAIRMAN. The Lord made the Sabbath and governed the Jewish nation for nearly 3,000 years with a Sabbath. Do you think the Sabbath was for the good of the Jewish people or for their injury?

Mr. JONES. It was established for the good of the human race.

The CHAIRMAN. Including the Jewish people?



Mr. JONES. Yes, sir.

The CHAIRMAN. It was established as a part of the civil administration.

Mr. JONES. The church and the state were one.

The CHAIRMAN. Therefore what we call the civil administration was included in that theocracy.

Mr. JONES. The church and the state were one; they were united, and it was a theocracy.

The CHAIRMAN. If the administration of the Sabbath, during those 3,000 years at least, was for the good of the Jews and the human race, why will not the Sabbath be good for the Jews and the human race since the time of Christ as well as before?

Mr. JONES. It is for the good of them.

The CHAIRMAN. The civil law must administer it if power does. Then we will get no Sabbath now, under our division of powers of government, unless we have the Sabbath recognized and enforced by the State authority?

Mr. JONES. Certainly; we have a Sabbath.

The CHAIRMAN. Your proposition is to strike out the Sabbath from the constitution and condition of society in these modern times.

Mr. JONES. No, sir.

The CHAIRMAN. Certainly, so far as its existence and enactment and enforcement by law is concerned.

Mr. JONES. Yes, by civil law.

The CHAIRMAN. It was enforced by what we call the civil conduct of men under that theocratic form of government for at least three thousand years.

Mr. JONES. Certainly.

The CHAIRMAN. Now the observance of the Sabbath we find depends upon the compulsory observance of the law.

Mr. JONES. Not at all.

The CHAIRMAN. It required the law of God, which He enforced by death, by stoning men to death when they violated it, and we have the Sabbath day only by virtue of what we call the civil law, which is equally a part of God's law.

Mr. JONES. That government was not organized to enforce the Sabbath.

The CHAIRMAN. They stoned men to death who violated the law.

Mr. JONES. Certainly, and every other transgression.

The CHAIRMAN. God enforced it, in other words, by human means.

Mr. JONES. Certainly. My answer to all that is that that was a theocracy, a union of church and state. The church was the state, and the state was the church.

The CHAIRMAN. You say now there is no state to enforce it?

Mr. JONES. I say that no government can enforce the Sabbath or those things which pertain to God except a theocratic government, a union of church and state. Therefore I say that if you establish such a law as is proposed here you lead directly to a union of church and state. The logic of the question demands it, and that is where it will end, because the law can not be enforced otherwise. These gentlemen say they do not want a union of church and state. What they mean by church and state is for the state to select one particular denomination and make it the favorite above all the denominations. That is a union of church and state according to their idea; but a union of church and state was formed by Constantine when he recognized Christianity as the religion of the Roman Empire. Everybody knows that that was a

union of church and state, and that it ended in the Papacy. The union of church and state is for the ecclesiastical to control the civil power and use the civil power in its own interest. That is where this movement will end, and that is one of the reasons why we oppose it.

The CHAIRMAN. You say the church and state separated shall not do those proper things which the church and state always did when united in theocracy?

Mr. JONES. No, sir.

The CHAIRMAN. Then why do you say that the state——

Mr. JONES. I did not mean to deny your proposition. I think the way you intend it I mean "yes," there.

The CHAIRMAN. If in this division of the powers of government into church and state you exclude from the powers of the church the establishment and enforcement and regulation of the Sabbath, why do you not necessarily, if the Sabbath is a good thing, pass it over to the control of the state?

Mr. JONES. Because if the church will not recognize it and preserve it the state can not compel people to do it. The state can not do it; the state is bound to fail that attempts it.

The CHAIRMAN. Then you necessarily take the ground that God did wrong in the enforcement of the Sabbath during those three thousand years when His government was both church and state.

Mr. JONES. No, sir; if God would come Himself to govern and make Himself governor, as he did of Israel, He could enforce the law as He did there; but until God does that we deny the right of all these churches or anybody else to do it.

The CHAIRMAN. Even if it is for the good of society?

Mr. JONES. What they think is for the good of society is for the ruin of society.

The CHAIRMAN. Do you understand that it is the church or the state that is making this law?

Mr. JONES. It is the state that is doing it, just as Constantine did, to satisfy the churches.

The CHAIRMAN. It may or may not satisfy the churches. The churches give their reasons here, which may be right or wrong, for the establishment of the Sabbath, for this Sunday legislation in all the States. The state, the whole people, make the law. You say that the whole people shall not make a good law because the churches ask for it.

Mr. JONES. I say the whole people shall not make a bad law, for any civil law relating to things pertaining to God is a bad law.

The CHAIRMAN. Then what God did for three thousand years for the good of the Jews and the human race was wrong?

Mr. JONES. No, sir; it was right.

The CHAIRMAN. Then why not continue it?

Mr. JONES. Because he has discontinued that kind of a government.

The CHAIRMAN. We have done nothing in the world to unite the powers of government into those of church and state. We say those two departments shall not interfere with each other.

Mr. JONES. Certainly.

The CHAIRMAN. Here and in the States we are trying to run the civil part. We have taken jurisdiction of a portion of what God had entire jurisdiction as to the church and state in the civil relations of men. The entire society does that. We put the sovereignty into the hands of everybody except women, and some of us are trying to do that. We have the same subject-matter, the good of society, under our control,



which, under the theocracy, was united into both church and state. If you do not let the state continue to do this which was essential to society then and is now you are striking at one of the great ends for which government exists.

Mr. JONES. Not at all, because God has discontinued that kind of a government.

The CHAIRMAN. He has not discontinued the necessity of laws for the regulation of society.

Mr. JONES. He has, in that way.

The CHAIRMAN. No; it is just as necessary that there should be a Sabbath now for the good of men as when God made and enforced the law by His direct supervision under a theocracy.

Mr. JONES. But no government except a theocracy can enforce such laws.

The CHAIRMAN. Then unless we have a theocracy we shall have no Sabbath?

Mr. JONES. We shall have no laws regulating the Sabbath.

The CHAIRMAN. The Sabbath did not come to the Jews and to all mankind because there was a theocratic form of government among the Jews. How did the Sabbath come to mankind at large when there was no theocratic form of government?

Mr. JONES. Those nations never kept it. Nobody but the Jews kept it.

The CHAIRMAN. They could have kept it, because you say the Sabbath existed for all; not for the Jews alone, but for the human race.

Mr. JONES. Certainly, but if they did not keep it it would do no good.

The CHAIRMAN. It did not exist for good then.

Mr. JONES. Certainly; a thing may exist for my good and I may refuse to use it.

The CHAIRMAN. I was taking your statement as true, that it did exist for good outside of the Jews.

Mr. JONES. I said it was for the good of men. The Saviour said it was for the good of men. The Saviour died for the good of men.

The CHAIRMAN. You would abolish the Sabbath any way?

Mr. JONES. Yes, in the civil law.

The CHAIRMAN. You would abolish any Sabbath in human practice which shall be in the form of law, unless the individual here and there sees fit to observe it?

Mr. JONES. Certainly; that is a matter between man and his God.

The CHAIRMAN. Your time has expired. Please take five minutes to close, as I have asked you some questions. Still they were questions that touched the trouble in my own mind.

Mr. JONES. Certainly; but I supposed that I was to have an hour to devote to the points in question.

The CHAIRMAN. We have always been accustomed to conduct these hearings with reference to getting at the difficulties we had in our own minds, and I do not feel as though you could complain with an hour and ten minutes if we give you ten minutes more.

Mr. JONES. All right.

Mr. Chairman, I have tried to show that in the fourth century this same movement developed a theocracy and developed the papacy, religious despotism, and oppression for conscience's sake. Now, I want to show the secret of at least a portion of the present movement. The representative of the National Reform Association spoke here in behalf of this proposed legislation. That association is asking for such a law



and for such an amendment of the Constitution as you have proposed in relation to the Christian religion in the public schools. That measure pleases them well, and this proposed Sunday law pleases them well.

The CHAIRMAN. Just incorporate that proposed amendment to the Constitution in your remarks.

Mr. JONES. Very well. It is as follows :

A JOINT RESOLUTION (S. R. 86) proposing an amendment to the Constitution of the United States respecting establishments of religion and free public schools.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be, and hereby is, proposed to the States, to become valid when ratified by the legislatures of three-fourths of the States as provided in the Constitution :*

#### ARTICLE

SECTION 1. No State shall ever make or maintain any law respecting an establishment of religion, or prohibiting the free exercise thereof.

SEC. 2. Each State in this Union shall establish and maintain a system of free public schools adequate for the education of all the children living therein, between the ages of six and sixteen years, inclusive, in the common branches of knowledge, and in virtue, morality, and the principles of the Christian religion. But no money raised by taxation imposed by law or any money or other property or credit belonging to any municipal organization, or to any State, or to the United States, shall ever be appropriated, applied, or given to the use or purposes of any school, institution, corporation, or person, whereby instruction or training shall be given in the doctrines, tenets, belief, ceremonials, or observances peculiar to any sect, denomination, organization, or society, being, or claiming to be, religious in its character, nor shall such peculiar doctrines, tenets, belief, ceremonials, or observances be taught or inculcated in the free public schools.

SEC. 3. To the end that each State, the United States, and all the people thereof, may have and preserve governments republican in form and in substance, the United States, shall guaranty to every State, and to the people of every State and of the United States the support and maintenance of such a system of free public schools as is herein provided.

SEC. 4. That Congress shall enforce this article by legislation when necessary.

The Christian Statesman, of October 2, 1884, said :

Give all men to understand that this is a Christian nation, and that, believing that without Christianity we perish, we must maintain, by all right means, our Christian character. Inscribe this character on our Constitution. \* \* \* Enforce upon all who come among us the laws of Christian morality.

To enforce the laws of Christian morals is to invade the rights of conscience of men, and that is precisely what they propose to do. Rev. David Gregg, D. D., pastor of the Park Street Church, Boston, a vice-president of this association and one of the principal men in it, said in the Christian Statesman of June 5, 1884, that the civil power "has the right to command the consciences of men." Then, if these men get the power to enforce their opinions through law, and through this Sunday law, they do intend to invade the rights of conscience of men. That is a prerogative of civil government, they say.

Rev. M. A. Gault, a district secretary of the association and one of their leading workers, says :

Our remedy for all these malign influences is to have the Government simply set up the moral law and recognize God's authority behind it, and lay its hand on any religion that does not conform to it.

Now, we have as much right to profess our religion and conform to it as they have to profess their religion and conform to that, and they have no right to seize upon the civil law and compel us to conform to their religion or to their views of religion.

That is where we stand, and that is why we say to you, Senators, if

they get this law it will end in the same kind of religious despotism that it did before.

Rev. E. B. Graham, also a vice-president of the National Reform Association, in an address delivered at York, Nebr., reported in the Christian Statesman of May 21, 1885, said:

We might add, in all justice, if the opponents of the Bible do not like our Government and its Christian features let them go to some wild, desolate land, and in the name of the devil, and for the sake of the devil, subdue it, and set up a government of their own on infidel and atheistic ideas, and then if they can stand it stay there till they die.

That is what they propose to do. That is worse than Russia. It is just about like Russia. You know in the April Century Mr. Kennan gave us some extracts from the Russian law, to the effect that one who speaks anything disrespectful of the Russian religion shall be banished for life to the most remote parts of Siberia. These people go beyond Russia, because they want to send us to the devil, straight.

Nor is that all. Rev. Jonathan Edwards, D. D., another vice-president of that association, makes us out to be atheists. He names atheists, Jews, deists, Seventh-Day Christians, Seventh-Day Baptists; he classes us all together. I will read his own words:

These are all for the occasion, and as far as our amendment is concerned one class. They use the same arguments and the same tactics against us. They must be counted together. \* \* \* The first named is the leader in the discontent and in the outcry. It is his class. \* \* \* The rest are adjuncts to him in this contest. They must be named from him. They must be treated, as for this question, one party.

They class us as atheists and are going to treat all alike, and you are asked to do it. Remember these are the views of members of the National Reform Association, whose secretary stood at this table this morning in defense of this Sunday law. These extracts show what his ideas are and how he would use them.

Dr. Edwards, speaking of the atheist, says:

I would tolerate him as I would a poor lunatic, for in my view his mind is scarcely sound. So long as he does not rave, so long as he is not dangerous, I would tolerate him. I would tolerate him as I would a conspirator.

The CHAIRMAN. Many atheists are for Sunday laws.

Mr. JONES. Very good; let them be so if they choose, but what I am striking at is that these men have no right to say that I am an atheist simply because I do not believe in keeping Sunday.

The CHAIRMAN. You come here and seriously argue as against these people because they and the atheists blackguard each other. What have we to do with that? They abuse each other. It is worse in the Christian than in the atheist, because the Christian has some rules to guide his conduct, which perhaps the atheist has not. Here seems to be some strong intemperate language which one human being makes use of towards another. An atheist or a Christian alike may find fault with that. I do not know any way that we can interfere with it. But if you claim to argue against this bill because these people abuse atheists, I reply to that by saying that many atheists are for this bill, just as these people are. They unite in support of this bill. Therefore mutual recriminations amount to nothing.

Mr. JONES. But the mutual recriminations amount to this: That although this is confined simply to words between them now—

The CHAIRMAN. I do not think you ought to argue to us by showing that these people use intemperate language towards each other.

Mr. JONES. But I am doing it to show that they use the intemperate language now, but if they get the law they will use more than language against them.



The CHAIRMAN. The atheist is for this proposed law. He is not intelligently going to support a law which enables these people to burn him at the stake.

Mr. JONES. I know he is not intelligently going to do it.

The CHAIRMAN. He is liable to be as intelligent as they are. Mr. Hume was a very intelligent man, so was Voltaire, so was Franklin, if Franklin was an atheist. Franklin was a deist, I suppose, at all events.

Mr. JONES. It is safe to say that not one in ten of the people whose names are signed in behalf of this Sunday law know what is the intention of it and what others will do when they get it.

The CHAIRMAN. Then it is a lack of intelligence on their part?

Mr. JONES. I know people who signed that petition who would now be just as far from signing it as I would.

The CHAIRMAN. That is because you told them of these terrible consequences which they had not believed would follow. The masses of the people do not believe that the Christian people of this country have united in every State in this Union for such a purpose.

Mr. JONES. Here is the principle. Here are 6,000,000 Protestants and 7,200,000 Catholics.

The CHAIRMAN. Cardinal Gibbons has written a letter which is in evidence. He is for it. A great many Catholics are also for it, but it does not follow that those Catholics are for it simply because Cardinal Gibbons wrote that letter. They were for it before Cardinal Gibbons wrote that letter. You must remember that the Catholics in this country are intelligent as well as we. Some of them are ignorant; some of us are ignorant.

Mr. JONES. But here is the point: These people are complaining of the Continental Sunday.

The CHAIRMAN. They do not complain of it because it is Catholic; they complain of it because it is not so good for the people as our form of Sunday.

Mr. JONES. Certainly; and this movement comes from the Puritans, and these people know—

The CHAIRMAN. Do you argue against it because it comes from the Puritans or because it comes from the Catholics? It comes from both, you say. We say it is for the good of society; that God is for it because it is for the good of man.

Mr. JONES. But let me state the point I am making. I think everybody knows that it is perfectly consistent with the Catholic keeping of Sunday for the Catholic to go to church in the morning and to the beer garden, if he chooses, in the afternoon.

The CHAIRMAN. I have been all through this that the working people go through. I have been hungry when a boy. The first thing I can remember about was being hungry. I know how the working people feel. I have tugged along through the week and been tired out Saturday night, and I have been where I would have been compelled to work until the next Monday morning if there had been no law against it.

I would not have had any chance to get that twenty-four hours' rest if the Sunday law had not given it to me. It was a civil law under which I got it. The masses of the working people in this country would never get that twenty-four hours' rest, if there had not been a law of the land that gave it to us. There is that practical fact, and we are fighting with that state of things; the tired and hungry man, woman, and child all over this country who wants a chance to lie down and rest for twenty-four hours out of the whole seven days.



Mr. JONES. Hon. Mr. Dingley, of Maine, said last night that the American workmen are indifferent to the efforts which are put forth in this direction.

The CHAIRMAN. He was wrong about it. Mr. Dingley did not know the facts when he said that.

Mr. JONES. He said he had investigated the matter.

The CHAIRMAN. I have investigated it, and I say that Mr. Dingley was simply laboring under a misapprehension.

Mr. JONES. Dr. Crafts said this morning that he talked two hours with a committee of laboring men somewhere and that they asked him questions and continued on that way until at the end of two hours they indorsed this movement. If they are crying for it, if they are fairly tearing their hair for it, how can it be possible that he had to take two hours to persuade them that it was all right?

The CHAIRMAN. Take his statement in full if you take it at all. He says they are crying for it.

Mr. JONES. Then why was it necessary to talk to them for two hours?

The CHAIRMAN. Then you simply say he did not tell the truth? You discredit the witness?

Mr. JONES. I do.

The CHAIRMAN. You say perhaps he did not tell the truth; that is all. I think he was right.

Mr. JONES. But the two things do not hitch together properly. If they are calling for it so loudly certainly it ought not to require two hours to convert them.

The CHAIRMAN. Abolish the law of rest, take it away from the working people, and leave corporations, and employers, and saloon-keepers, and everybody at perfect liberty to destroy that twenty-four hours of rest, and law-givers and law-makers will find out whether or not the people want it, and whether they want those law-makers.

Mr. JONES. Here is another point that comes in right there. Those who are asking for the law and those who work for it are those who demand and compel the people to work on Sunday. In the Illinois State Sunday Convention, at Chicago, about a month ago, it was stated in the first speech made in the convention:

We remember how that the working-men are compelled to desecrate the Sabbath by the great corporations.

The very next sentence was:

We remember also that the stockholders, the owners of these railroads, are members of the churches; that they sit in the pews and bow their heads in the house of God on the Sabbath day.

The CHAIRMAN. That is only saying that there are hypocrites in this world. What has that to do with this proposed law?

Mr. JONES. I am coming to that. It has a good deal to do with it. The stockholders who own the railroads act in this way, those men said, and it was stated also by a minister in that convention that a railroad president had told him that there were more petitions for Sunday trains from preachers than from any other class.

The CHAIRMAN. There is a lot of hypocrites among the preachers then.

Mr. JONES. Precisely.

The CHAIRMAN. I do not find any fault with that statement if it is true. It does not touch this question.

Mr. JONES. If those preachers and church members will not keep the

Sabbath in what they think is in obedience to the commandment of God will they keep it in obedience to the command of the law?

The CHAIRMAN. Certainly the hard-working man needs rest, and the preachers, church-members, and millionaires may do as they please. The bill comes in here and says that the National Government, taking part of the jurisdiction of the civil government of the States by a concession made by the States, by virtue of its control of interstate commerce, and the post-office business, and the Army and Navy, will take advantage of what the States have given to the General Government in the way of jurisdiction and introduce practices which destroy the Sabbath in the States. To prevent this is the object of this legislation. That is all that is undertaken here. It is simply an act proposing to make efficient the Sunday-rest laws of the States and nothing else.

Mr. JONES. But those laws are to be enforced, if at all, by those who are so strongly in favor of them.

The CHAIRMAN. No; by the state. If these people were in favor of them or not in favor of them or violated them, that is another thing. A man may be for a law that he violates. A great many of the strongest temperance people in the world drink intoxicating liquors. They say that they realize the evils, and that they are in favor of the enactment of law which will extirpate those evils. The strongest advocates I have ever seen of temperance legislation are men who have come to realize that the grave is just ahead of them. They can not get rid of the appetite, but they pray the Government for legislation that will save the boys.

Mr. JONES. That is all right; I am in favor of prohibition straight, but not Sunday prohibition.

The CHAIRMAN. You can not adduce a man's practice as a reply to the argument on a question that touches the public good. It does not vitiate a man's argument that he fails to live up to it himself.

Mr. JONES. But the secret of the whole thing is this: Illinois has a Sunday law now that ought to satisfy anybody there, and they do not enforce it. If they do not enforce it, will they enforce a national law?

The CHAIRMAN. Is there any other point that you wish to present?

Mr. JONES. There was one other point, and that is that we will be sufferers under such a law when it is passed. They propose to put in an exemption clause. Some of them favor an exemption clause, but we would not accept one at all, and I think we will obey better without it than with it.

The CHAIRMAN. You care not whether it is put in or not?

Mr. JONES. No, sir. We would rather it would be left out.

The CHAIRMAN. You differ from Dr. Lewis?

Mr. JONES. Yes, sir. We will never accept an exemption clause.

The CHAIRMAN. There are three times as many of you as of his denomination?

Mr. JONES. Yes, sir. We ask for none. We would not accept, on the merits, what comes by such means.

The CHAIRMAN. You object to it?

Mr. JONES. We object to the whole principle of the proposed legislation. We go to the root of the matter and deny the right of Congress to enact it.

The CHAIRMAN. You say that the proposed exemption does not make it any better?

Mr. JONES. Not a bit, because if the legislation be admitted then we



admit that it is the right of a majority to say that such and such a day shall be the Sabbath or the Lord's Day, and that it shall be kept. The majorities change in civil government. The majority may change within a few years, and then the people may say that the day we believe shall be kept must be observed, or they may say that this day shall not be kept. If we admit the propriety of the legislation, we also admit the propriety of legislation to the effect that a certain day shall not be kept, and it makes every man's observance of Sunday or otherwise simply the foot-ball of majorities. That is what has made the Papacy from the beginning down, and that is the end of religious legislation of all kinds.

The CHAIRMAN. Do you not think there is a distinction between the majority in a monarchical government and a republican government? In a monarchical government the majority is simply one man who has power.

Mr. JONES. But in a republic when you throw this legislation into civil affairs, it makes a great deal of difference. There is another principle involved. If we admit the exemption clause it will not help the thing. It will be exceedingly short. Suppose an exemption clause is given. There are people who will profess to be Seventh-day Adventists for the express purpose of getting chances to open saloons or houses of business on Sunday. Therefore, in outright self-defense, the majority will have to repeal the exemption clause in defense of themselves.

The CHAIRMAN. Call Mrs. Bateham's attention to that.

Mr. JONES. Let me repeat it. If you give an exemption clause—it has been tried—there are reprehensible men, saloon-keepers who know they will get more traffic on Sunday than they can on Saturday, and they will profess to be Seventh-day Adventists; they will profess to be Sabbath keepers. You can not go behind the returns to see whether they are genuine in their professions or not. They will be Sabbath keepers, and then they will open their saloons on Sunday. Then in outright self-defense, to make your position effective, you will have to repeal that exemption clause. It will last but a little while.

The CHAIRMAN. I agree with you there.

Mr. JONES. For that reason, these people can not afford to offer an exemption clause, and for the reason that it puts the majority in the power of our conscience, we deny the right to do anything of the kind. I ask the organizations represented here to think of that.

The CHAIRMAN. I should like to call everybody's attention to the point. If you need any legislation of this kind you had better ask for legislation to carry out your purposes and be careful that in the effort to get the assistance of the parties against you you do not throw away the pith and substance of all for which you ask.

Mr. JONES. Yes, sir; that is the point. To show the workings of this principle I will state that Arkansas in 1885 had an exemption clause in its Sunday law. That exemption clause, it was claimed, was taken advantage of by saloon-keepers to keep open on Sunday. A delegation went to the legislature of Arkansas and asked them to repeal that exemption clause so that they could shut the saloons on Sunday. The legislature did it. If they had shut the saloons on Sunday that would have been well enough, but there was not a saloon-keeper arrested under that repealed law; there was not a man who worked on Sunday prosecuted under it; there was not a man who worked on Sunday fined under it; but there were Seventh-Day Baptists and some Seventh-Day Adventists, poor almost as Job's turkey, who were prosecuted and fined. One man had his only horse taken from him and his cow, and



at last his brethren contributed money to save him from jail. Such men were prosecuted time and again, and the legislature had to restore that exemption clause to save these poor, innocent people from the persecution that arose under it.

The CHAIRMAN. I am glad you put in that fact because it is something that happened.

Mr. JONES. I ask leave to read the statement made in the Arkansas legislature by Senator Crockett upon that very subject:

Let me, sir, illustrate the operation of the present law by one or two examples.

That is, the law as it stood with the exemption clause unrepealed.

A Mr. Swearigen came from a Northern State and settled a farm in ——— County. His farm was 4 miles from town and far away from any house of religious worship. He was a member of the Seventh-Day Adventist Church, and after having sacredly observed the Sabbath of his people (Saturday) by abstaining from all secular work, he and his son, a lad of seventeen, on the first day of the week went quietly about their usual avocations. They disturbed no one, interfered with the rights of no one. But they were observed and reported to the grand jury, indicted, arrested, tried, convicted, fined; and having no money to pay the fine, these moral Christian citizens of Arkansas were dragged to the county jail and imprisoned like felons for twenty-five days—and for what? For daring, in this so-called land of liberty, in the year of our Lord 1887, to worship God.

Was this the end of the story? Alas, no, sir! They were turned out; and the old man's only horse, his sole reliance to make bread for his children, was levied on to pay the fine and costs, amounting to \$38. The horse sold at auction for \$27. A few days afterward the sheriff came again and demanded \$36—\$11 balance due on fine and costs and \$25 for board for himself and son while in jail. And when the poor old man, a Christian, mind you, told him with tears that he had no money, he promptly levied on his only cow, but was persuaded to accept bond, and the amount was paid by contributions from his friends of the same faith. Sir, my heart swells to bursting with indignation as I repeat to you the infamous story.

Another, and I am done. Sir, I beg you and these Senators to believe these are neither fancy nor exaggerated sketches. Five years ago a young man, newly married, came to ——— County, from Ohio.

He and his wife were Seventh-Day Baptists. The young girl had left father and mother, brothers and sisters, and all the dear friends of her childhood, to follow her young husband to Arkansas—to them the land of promise. The light of love sparkled in her bright young eyes. The roses of health were upon her cheeks, and her silvery laugh was sweet music, of which her young husband never wearied. They purchased a little farm, and soon, by tireless industry and frugal thrift, their home blossomed like a rose in the wilderness. After awhile a fair young babe came to them to brighten the sunshine, and sweeten the bird-songs. They were happy in each other's affection and their love for the little one. For them "all things worked together for good;" for in their humble, trusting way they worshiped God and loved their fellow-men.

Two years ago the law under which their prosperity and happiness had had its growth was repealed! Accursed be the day which brought such a foul blot upon our State's fair fame! A change, sudden, cold, and blasting as an arctic storm, came over their lives and pitilessly withered all their bright flowers of hope. Under this repeal, persecution lifted its ugly, venomous head. The hero of my sad story was observed by an envious, jealous neighbor, quietly working, as he believed God had commanded him, on Sunday. He was reported to that inquisitorial relic of barbarism, the grand jury, indicted, tried, convicted, and thrown into jail because his conscience would not let him pay the fine.

Week after week dragged its slow length along. Day after day the young wife, with baby in her arms, watched at the gate for his coming, and, like Tennyson's Marianna—

She only said: "My life is dreary—  
He cometh not," she said.  
She said: "I am weary—awear—  
I would that I were dead."

Then baby sickened and died; the light in the young wife's eyes faded out in tears; her silvery laugh changed to low, wailing sobs. Pale-faced misery snatched the roses from her cheeks and planted in their stead her own pallid hue. Sir, how can I go on? At length the cruel law was appeased, and this inoffensive citizen (except that he had

loved God and sought to obey Him) was released from prison and dragged his weary feet to the happy home he had left a few short weeks before. He met his neighbors at the gate bearing a coffin. He asked no questions; his heart told him all. No, not all! He knew not—he could never know—of her lonely hours, of her bitter tears, of the weary watching and waiting, of the appeals to God, that God for whom she had suffered so much, for help in the hour of her extremity, of baby's sickness and death.

He could not know of these. But he went with them to the quiet country burial-place and saw beside the open grave a little mound with dirt freshly heaped upon it, and then he knew that God had taken both his heart's idols and he was left alone. His grief was too deep for tears. With staring eyes he saw them lower the body of his young wife into the grave. He heard the clods rattle upon the coffin, and it seemed as if they were falling upon his heart. The work was done and they left him with his dead, and then he threw himself down between the graves, with an arm across each little mound, and the tears came in torrents, and kept his heart from breaking. And then he sobbed his broken farewell to his darlings and left Arkansas forever. Left it, sir, as hundreds of others are preparing to leave if this general assembly fails to restore to them the protection of their rights under the Constitution, national and State.

On next Monday, at Malvern, 6 as honest, good, and virtuous citizens as live in Arkansas, are to be tried as criminals for daring to worship God in accordance with the dictates of their own conscience; for exercising a right which this Government, under the Constitution, has no power to abridge. Sir, I plead, in the name of justice, in the name of our republican institutions, in the name of these inoffensive, God-fearing, God-serving people, our fellow-citizens, and last, sir, in the name of Arkansas, I plead that this bill may pass, and this one foul blot be wiped from the escutcheon of our glorious commonwealth."

I myself, with other brethren in California, had to send hundreds of dollars into Tennessee to support the families of the brethren of our own faith there, while the husband and the father, who made the money for their support, were in jail because they chose to work for their families on Sunday and make bread for them after keeping the Sabbath according to their conscience. That has been done, Mr. Chairman, in these United States. That is the care these people have for the laboring-man.

The CHAIRMAN. You reason from that that there should be no Sunday law whatever?

Mr. JONES. If you allow a Sunday law you must allow it to any extent. It must be enforced. All they did was to enforce the law simply, as in the Roman Empire they put Paul to death. They simply enforced the law, but the law was wrong. Any condition of the law that allows such things as that is a wrong condition of the law.

The CHAIRMAN. This bill proposes that work must not be done to the disturbance of others. This work was not done to the disturbance of others?

Mr. JONES. It was not.

The CHAIRMAN. Then if they had a law like this, they were wrongly convicted under the law, and innocent men were punished, just as innocent men are sometimes hung. But you can not reason that there shall be no law against murder because innocent men are sometimes executed. It is a fault in the administration of the law. You can not reason from that that there should be no law.

Mr. JONES. The speech from which I have read was made by Senator Crockett, in the legislature of Arkansas.

The CHAIRMAN. Do you know whether this young man had money or friends?

Mr. JONES. Dr. Lewis, can you certify whether he had money?

Mr. LEWIS. The case was never reported to other churches for relief. I do not know as to his personal estate.

The CHAIRMAN. Do you not think he was a peculiar man who would allow his child to be killed and his wife to starve?

Mr. LEWIS. The case was not reported to our churches in the North.



Mr. JONES. About that peculiarity, I will say that John Bunyan staid twelve years in Bedford jail when he could have gotten out by simply saying the word "yes," and agreeing that he would not preach.

The CHAIRMAN. It is a very different thing to be called on to say that he would abstain from the performance of a great duty in his church. Bunyan preached the Gospel, and he would not agree not to preach the Gospel. But here is a man who lets his wife and child die rather than pay \$25 or \$50 and get out and have an opportunity to go to work for them.

Mr. JONES. What kind of a law is that which puts a man in a place where his wife and child have to die?

The CHAIRMAN. Suppose he was a guilty man; suppose he did not believe it was an offense to steal; that he conscientiously thought he could take goods from another in a certain way, and had been convicted under the law and was under the penalty of paying \$25, is he to put his right of conscience against the demands of wife and child and against the judgment of the community and the State in which he lives, and to which he owes all the right to the enjoyment of property, and everything else he has? In this case a man saw all this evil done rather than pay \$25 or \$55, and he says he does that by reason of his conscience.

Mr. JONES. Did you ever hear of a man whose conscience taught him that it was right to steal; who said that it was a conscientious conviction to steal?

The CHAIRMAN. I have heard of a great many instances where an individual confessed that he had conscientiously violated the law, and he was punished.

Mr. JONES. Precisely; and the Christians were put to death under the Roman Empire for violating the law.

The CHAIRMAN. But that does not answer my question; and it is not necessary that it should be answered.

Mr. JONES. The end of it was that the poor man lost both his wife and child.

The CHAIRMAN. What became of him?

Mr. JONES. He left the State.

The CHAIRMAN. I should think he ought to leave it.

Mr. JONES. That is also true of six other men, as good, honest, virtuous citizens as live in Arkansas, who followed the dictates of their own conscience.

The CHAIRMAN. There is a good deal of humbug about the sometimes so-called dictates of one's own conscience. If a man is to set up his conscience against the obligation to do what is right, and refuse to perform his duty toward society, an unintelligent, uninformed conscience of that kind might be allowed to destroy all society. It is not conscience always.

Mr. JONES. There is no conscience in regard to the state. The conscience has to do with what God has commanded, and a man reads in the Bible what God has commanded.

The CHAIRMAN. Should those who conscientiously believe in free love be allowed to indulge in it?

Mr. JONES. There is no point in that. Where is there any conscientious conviction in free love? I can not discover it.

The CHAIRMAN. But there must be laws which prohibit immorality?

Mr. JONES. I ask you to define what immorality is, and then I will answer your question.



The CHAIRMAN. If you do not know what the expression means I shall not undertake to enlighten you.

Mr. JONES. I know what it means.

The CHAIRMAN. Then why do you ask me to define it? Why do you not answer the question?

Mr. JONES. Because there are modified forms which refer to crime. Immorality is itself a violation of the law of God, and civil government has no right to punish any man for a violation of the law of God as the law of God.

#### FURTHER REMARKS BY REV. A. H. LEWIS, D. D.

Mr. LEWIS. Mr. Chairman, the objection raised by Professor Jones against the exemption in favor of Sabbath-keepers seems to me wholly imaginary. So far as Seventh-day Baptists are concerned, I know it would be impossible for any man opening a saloon on Sunday to present the excuse that he was a Seventh-day Baptist. A saloon-keeping Seventh-day Baptist is an unknown thing throughout their history of more than two centuries. Such a man could not obtain recognition, much less church membership in any Seventh-day Baptist community or church. Nor do I believe from what I know of the Seventh-day Adventists that such a case could occur in connection with that people. The possibility of any such deceitful claim could be easily guarded against by a provision requiring that in any case of doubt the one claiming to have observed the seventh day should be required to bring official certificate of his relation to a Sabbath-keeping church. Such a provision would end all difficulty.

#### REMARKS BY REV. STEPHEN M. HASKELL.

Mr. HASKELL. Mr. Chairman, I wish to say a few words that you may more clearly discern the point which has been made by Mr. Jones concerning the right of legislation. We do not say that the United States Government has no right to legislate in reference to certain days on which men may work, but we say that it has no right to legislate with a view to enforcing as a religious ordinance or religious observance certain days.

There are certain days as fast days and thanksgiving days in regard to the observance of which we make no question, but enforcing a religious observance on individuals is the point to which we object.

While we would appreciate the efforts of these friends to place some provision in the law that might be a benefit to those who conscientiously observe the seventh day, the principle that lies beneath the proposed legislation would not be affected by such an exemption. While we appreciate their efforts in this direction, they do not see the bearing of the conclusion obliged to be reached in the enactment of such a law. So we would object to the exemption clause which has been suggested, not because we would not appreciate the efforts to do something in our behalf, but because there is a principle which underlies it. It is on that ground, and that ground only, that we object to it.

I merely mention this point as an explanation, so that the committee may see the difference between the views that are presented.

## FURTHER REMARKS BY MRS. J. C. BATEHAM.

Mrs. BATEHAM. I should like to say that the point which has been made was a point carefully considered by the Woman's Christian Temperance Union, and we saw the danger. Yet we wished to be exceedingly fair. I consulted nine persons of different classes of seventh-day people to know whether they wished such an exemption, and whether they would be satisfied with what was proposed. They represented themselves as being in approval of some such provision as has been suggested, and we thought it could be done perhaps in such a way as to afford them the exemption which they desire, because they said that such an exemption is necessary.

The CHAIRMAN. Let me ask you a few questions, Mrs. Bateham, to see if the Woman's Christian Temperance Union understood exactly the relation of what they propose to do to this legislation. Here is a bill which relates to interstate commerce, to postal work, to the Army and to the Navy. It relates to that subject-matter which is carved out of the independent, full jurisdiction of a nation by the States, which were once complete sovereignties, and transferred to the General Government. The occupations I have mentioned are all of a public nature, and to carry them on the nation has such an opportunity to invade the Sabbath-rest laws of every State in such a way as to nullify them. The nation at large is unrestrained by any Sabbath law whatever. If it may carry on its post-office business on the Sabbath it may go to any extent, and it does go already to a very great extent and an increasingly great extent. So in regard to interstate commerce, and so with the Army and the Navy.

Now, you go to our Seventh-Day Baptist or Adventist friends, for instance, and propose to introduce a principle by which they can carry on the Post-Office Department on the Sabbath just as completely as they see fit. In other words, you propose to exempt them from the operation of the law so far as it prohibits post-office work on the Sabbath. Suppose you have a Seventh-Day Baptist man for postmaster. Suppose you fill up every post-office in the country on the Sabbath with Seventh-Day Baptist people. You have the Post-Office Department in operation by virtue of this exemption because they can do the work conscientiously on that day. If you limit it by saying the bill shall not apply to the Adventists and others, the bill provides that already.

Mrs. BATEHAM. If you remember the clause, we do not propose to provide that they shall be able to do this work, but that they shall be exempt from the penalty. They are not allowed to do the work, but they are to be exempt from the penalty. Therefore, unless they could prove that they had not done this work to the disturbance of others, it would be impossible for them to carry on post-office matters, for instance, or any other public employment on Sunday.

The CHAIRMAN. Is not that equivalent to saying that if the penalty shall not be enforced against them there shall be no law against them, because the law without the penalty is simply an opinion; it is not a law?

Mrs. BATEHAM. The law could provide that they should not open a post-office, for instance, or any place of public business, and if there was a fine imposed they would be compelled to close such places on Sunday. It was, of course, only thrown out as a suggestion from us that if it could be done we should like to have such a provision in the bill. We are satisfied the people want the law, and if the law can, in



your wisdom, be arranged with such an exemption, then we wish it; otherwise we do not. We are all glad, I think, to have the gentlemen admit that they do not want such an exemption, for that releases us from the place where we were.

The CHAIRMAN. This is not to be a general Sunday law. These people all live in States, and they can work at their private occupations just the same under similar amendments to the State law if the State saw fit to make such amendments. Professor Jones says it does not work well in Arkansas, and I should think it did not from his description. But these are public occupations, or quasi public occupations, we are dealing with; that of interstate commerce, for instance, carried on by great corporations which are public in their relation to the working-men, because they are exercising a great public function in carrying on transportation which appertains to everybody all over the country.

This proposed law undertakes to prohibit the nullification of all Sunday-rest laws in the States so far as to provide that interstate commerce shall not be carried on in violation of the law upon the Sabbath. When you come to the private occupations which are regulated by the States, if they choose to allow the Seventh-Day Baptist people to work on Sunday in those private occupations, on the farm, in the workshop, in the factory, this measure does not interfere with them at all.

Mrs. BATEHAM. I have not the words before me, but my impression is that there is a clause in the bill providing that the jurisdiction of Congress shall be exercised over the Territories in this matter. There is something of that kind in the bill, and this proposed exemption was designed to reach those cases rather than to apply to the general governmental action.

The CHAIRMAN. You think the exemption might be made with reference to the Territories?

Mrs. BATEHAM. Yes, that was the point we had in mind in this general action. I have not the words of the bill before me, but there is something of that kind in it which we had in mind.

I wish to say also that one of the requests of our National Woman's Christian Union was that the word "promote" should be changed to "protect," in the title of the bill, so that it should have no appearance of what all Americans object to, any union of church and state. That amendment was proposed and accepted by the American Sabbath Union, the organized body which has just been in session in this city.

The CHAIRMAN. Do you not think that the word "protect" implies power to command and compel? An army protects.

Mrs. BATEHAM. All our laws protect us, do they not?

The CHAIRMAN. You would make this a law?

Mrs. BATEHAM. I suggest that the bill be made a law, and that it be a law which shall protect the civil Sabbath, not to promote religious worship, but to protect the day as a day of rest and of religious worship.

The CHAIRMAN. It seems to me that "protect" is a stronger and more interfering word than "promote." However, all these suggestions are important.

#### REMARKS BY JOHN B. WOOD.

Mr. WOOD. Mr. Chairman, as a member of the Society of Friends, a Quaker, I should like to say a few words.

I have a great deal of sympathy with people who talk about the right of consciences. I do not think the United States Government has any



right over the conscience. We, as Friends, deny their right over our conscience while we act in accordance with the revealed will of God, the Bible.

In looking at this Sunday question I see nothing in the Bible, there is no word in it in which it is stated that we shall have to work on the first day of the week. Therefore, I do not think the Seventh-Day Baptists have any right to object to the proposed legislation. The only thing they lose is one more day's work out of the week.

The Society of Friends have always denied the right to fight. The result has been that in the United States they have never lost a life by that means, not even during the last war. The Lord Jesus Christ has always protected them.

I think any Saturday Baptist who believes honestly that the Sabbath is Saturday can depend upon the Lord's providing for him in five days of the week just as well as if he worked six, and he will have two Sundays instead of one, and be that much better off.

### ARGUMENT BY JOHN B. WOLFF.

Mr. WOLFF. Mr. Chairman, gentlemen of the committee, ladies and gentlemen: The chairman has asked me to give my objections to the bill. If it please you, I should like to make a few general remarks before or after on subjects-matter germane that have come up since I took the bill, and as briefly as possible.

The CHAIRMAN. It is now 27 minutes past 3 o'clock. If I call time on you at 4 you will not object?

Mr. WOLFF. No, sir; I do not think I shall, because I have not had anything to eat since breakfast and I am sick.

Perhaps I ought to apologize. I am rather a severe critic. I commence with the title of this bill. I believe you have a statute which requires conformity between the title and the bill, that the title shall express what is comprehended in the bill:

A bill to secure to the people the enjoyment of the first day of the week, commonly known as the Lord's day, as a day of rest, and to promote its observance as a day of religious worship.

I have two criticisms to make upon that. In the first place, there is a disagreement between the title and the body of the bill, as the title says "promote," and the language substantially means "enforce."

The second criticism I have to make on it is that the title of the bill, together with the last clause in the last section, completely and absolutely confirms the charge that this is intended to be the enforcement of the Sabbath from the religious stand-point. The words themselves are here; they need no explanation or criticism. If you will refer to line 5 of section 1, you will find these words:

That no person, etc., shall perform or authorize to be performed any secular work, labor, or business to the disturbance of others, works of necessity, and mercy, and humanity excepted.

Here is a direct interference with the points raised by Professor Jones, not only with regard to my religious convictions but with regard to my civil rights and convenience. It goes further and provides that I shall not enter into any enjoyment or pleasure whatsoever "on the first day of the week, commonly known as the Lord's Day, or during any part thereof, in any Territory, district, vessel, or place subject to the exclusive jurisdiction of the United States."

The CHAIRMAN. "To the disturbance of others," you will observe.

Mr. WOLFF. The words "to the disturbance of others" appear before in the eighth line. Now we come to another of those ambiguities which, like the explanation of immorality, blasphemy, and obscenity in one of your laws, has been greatly abused, and we fall afoul of that fundamental principle that I laid down in the outset of my talk, that there is always danger in ambiguity in constitutional compacts. Doubtful interpretations of constitutional compacts are always dangerous to personal liberty; and that which is dangerous to personal liberty is always dangerous to society, to the State as well as to the individual, every time, logically and inevitably.

I pause here to bring in another point, and I want these people to hear it, because it is vital to this whole question.

The CHAIRMAN. You say you come to an ambiguity in the first section. To what do you refer?

Mr. WOLFF. I refer to "secular work." What is "secular work?" It is the business of the legislature to define the term of the statute involving prosecution, criminality, and expense, so that the executors of the law shall not make any mistake in its interpretation and execution.

The CHAIRMAN. Is not the matter of interpretation left to the judiciary, usually?

Mr. WOLFF. The judiciary, even the Supreme Court of the United States, are just as much subject to psychological influences and personal interests as the hod-carrier who carries the brick up to the top of your building, and that will remain so, through the imperfection of humanity, forever.

The CHAIRMAN. It is their business to construe the law.

Mr. WOLFF. It is their business to construe the law, but you go yonder to that chamber of the Supreme Court, and seldom a vital question comes before that body that there is not a minority opinion.

The CHAIRMAN. Shall there therefore be no laws or judges?

Mr. WOLFF. I am not going to discuss that subject. I concede that there must be laws and judges.

The CHAIRMAN. You merely refer to the imperfection of human tribunals?

Mr. WOLFF. I refer to it as proof that you have no right to put a man in a position where he will be subject to the consequences of an act resulting from the fallibility of human judgment; that is all.

The CHAIRMAN. You say that the expression "any secular work" is objectionable because it does not define what is secular?

Mr. WOLFF. It does not define what is secular and what is religious work. It leaves it open to courts and constables, and to Anthony Comstock, for instance.

The CHAIRMAN. Do you say that the word "secular" is an ambiguous word?

Mr. WOLFF. I say the sentence including that word is an ambiguous expression, capable of perversion, misconstruction, and abuse; I say that fearlessly.

The CHAIRMAN. It is proper for you to say so, but it is also proper to say that it is a well-adjudicated phrase, and it is impossible to use any more exact language, because there is none more exact known in human affairs.

Mr. WOLFF. I think you are mistaken, but I will not stop to discuss that point.

The CHAIRMAN. No; proceed with the line of your argument.

Mr. WOLFF. In regard to the second section of the bill I have only to



speaking generically. More than half a century ago—and I am sorry I have not the document with me; I would have had it here if this hearing had not come upon me so suddenly—more than half a century ago this same question was agitated and discussed as it was supposed to a finality and decided in regard to the carrying of the mails on Sunday, that the public interests and business of the country justified and required it.

I wish to say that this Government is an outgrowth; that the fathers had no comprehension of the immense magnitude, the resulting effects; that the Constitution itself in this respect is very lame in some regards owing to that fact; that this system of mails and mail-carrying and interstate commerce are outgrowths from causes that were not recognized or comprehended at the time the compact was organized, and they have become so interwoven with every interest, material, intellectual, social, and religious, that to break them up to-day would create chaos throughout the entire country.

That is all the comment I have to make on that section now, because it is too large a part of the subject. It would take an hour or an hour and a half to discuss that point alone.

Section 5 of the bill directly and positively conflicts with my right of private judgment and action in making contracts, in performing service and receiving compensation therefor. The sixth section of the proposed act closes with these words:

To secure to the whole people rest from toil during the first day of the week, their mental and moral culture, and the religious observance of the Sabbath day.

There again you come to the question, what is a religious observance of the Sabbath? What is religion? You asked the question here to-day. I am sorry the gentleman did not tell us. He did not do so understandingly to me. He quoted substantially what one of the encyclopedias says on the subject; but that does not define it.

You will pardon me for digressing in the remark here that the whole intellectual difficulty in this debate grows out of the fact that you are unable to comprehend the question you are dealing with. You ask a gentleman here to tell what religion is and he can not, because here are four kinds of them under one régime, and there are a thousand of them in the world, each one having equal right of interpretation, construction, and action, all dissenting one from the other. Who shall tell which one is right when doctors disagree?

The CHAIRMAN. The majority.

Mr. WOLFF. No, sir; that is an arbitrary rule.

The CHAIRMAN. The majority in civil affairs.

Mr. WOLFF. The majority has the power to say what I shall do or not do, but the majority never reaches my conscience, and never can.

The CHAIRMAN. Precisely. You make that distinction splendidly and just right. In matters of civil conduct the majority necessarily regulates and we have to obey, although the majority may be wrong.

Mr. WOLFF. Yes, sir; it is majority power and you can not maintain civil society in any other way. I will admit that.

The CHAIRMAN. We have got to obey until we convince the majority that they are wrong.

Mr. WOLFF. It is better to enforce a bad law, as Grant said, until the evils growing out of it compel its repeal.

The CHAIRMAN. You argue that this will be a bad law?

Mr. WOLFF. Yes, sir; and, as Professor Jones said, such legislation has always proved to be bad, because it attempts to exercise prerogative.



tives by Government with the exercise of which even God himself does not interfere.

The CHAIRMAN. That, you know, is assuming a good deal.

Mr. WOLFF. The other side has assumed here in this discussion nearly everything that has been stated. The trouble, as I was about to remark a moment ago, is that the whole thing is a case of *ignoratio elenchi* (misapprehension of the question). You have assumed here that God directly interferes with the affairs of men, establishes governments, creates theocracies, abolishes them and re-institutes them, and you have not offered one single proof to the logical mind that your major proposition is correct at all.

The CHAIRMAN. We have not even proved that there is any God.

Mr. WOLFF. No, sir; not to start on. It is assumption from beginning to end, and you ask me to submit to the logic growing out of an argument with the major proposition of the logic left out.

The CHAIRMAN. And that major proposition is this: There is a God.

Mr. WOLFF. You may make the major proposition less difficult; but it comprehends two phases—that there is a God and that He directly and specifically interferes with the affairs of men; builds up one man and knocks him down, builds up another individual and knocks him down. You ought to prove, before you ask me to submit, that He instituted the Sabbath. You see the controversy between these disputants over what constitutes the Sabbath.

When I was a young man, and occupying then a public position, I was taken to task by the editor of the paper of my town because I made a *lapsus lingue* and said that the world was sixty thousand years old instead of six thousand, the popular theory with regard to the antiquity of our earth. Now, no man is able to tell the age of this earth. You asked Dr. Sunderland a question, very pertinently, whether the six days of creation were literally six days, to which I had previously made proper answer by stating the difficulty of making it six days in the ordinary sense of the diurnal revolution of the earth. The theologians have now given it up. There is no respectable, intelligent theologian in civilization who dare come up and say that old mother earth is but six thousand years old; and yet for thousands of years this material and mental monstrosity had been urged by pulpit and religious press upon the average of mankind.

You see where you stand exactly; you are dealing with something you do not understand. One objection that I have to this legislation is the fact that you, as legislators, are undertaking to deal with the subject of religion when the very petitioners themselves who come here do not understand it, much less this Congress, and I do not think they understand or live it, if I am to be the critic of their conduct. You are dealing with a problem outside of your domain entirely, outside even of your comprehension, if you take the religious aspect of it; but if you take the secular aspect of it, then it is perfectly within the purview of your legitimate functions.

The gentleman alluded to days set apart. It would be legitimate for you to set apart a day of rest; you do set apart holidays where the people take recreation, are exempted from work and the performance of public duties, and that is just about as far as you have any right to go. The danger from this influence, as Professor Jones has shown, is immense.

I stop here and take time to make a simple statement of what has been accomplished. My friend over there, I think, has hardly examined into the details of this matter as I have. Let us see what has been done.

In the Constitution of the United States there is no provision made for the appointment of chaplains generically. If there is, show it to me. There is none whatever. From the organization of the Government down to this time, in this hall and in the other end of the Capitol, in the Army and Navy, you have been appointing and paying them out of the public funds. You have been taxing non-religionists to pay the expenses for these services and they have had no power to protest.

Mr. JONES. That is my position.

Mr. WOLFF. That is usurpation. That is taxation without representation. That is the basis of all political revolution.

The CHAIRMAN. Let me ask you a question. The mass of the people are believers in the Christian religion. The Army and the Navy come from the masses of the people. We compel them to join those branches of the public service and to lay down their lives for our benefit. Do you think that we could properly exercise that compulsion and deny them the consolations of religion in their last hours on the battle-field by refusing them the services of a chaplain?

Mr. WOLFF. I do not think any man who goes onto a battle-field has any need of the consolations of religion. He ought to get ready before he goes there.

The CHAIRMAN. But suppose the soldiers have failed to reform and to join the church and to establish good religious relations before they enter the Army. Suppose that we summon them to death, would you deny them the opportunity of conversion or of religious consolation in their last hours?

Mr. WOLFF. I have no faith whatever in death-bed repentance. When death and damnation are at the door, stimulating a man to recant the errors of life, conversion is compulsory and has no value in it. Besides, if there is any truth in your system, the dying soldier does not need the services of chaplain, as he can intercede in his own behalf, which is better than the proxy business.

In the second place, we have all over the United States State and national Sabbath laws. That is a quasi recognition of the orthodox idea of the enforcement of at least a partial theocracy.

Again, in the courts of law and equity and minor courts of every character, we swear people upon the orthodox Bible to tell the truth. You make a man kiss it or acknowledge it. That is a recognition of a theocracy.

So I might go through the catalogue and show you that step by step these encroachments have already been made, and my rights have been invaded and trampled under foot. This is but another step in the same direction, with the logical sequences following which have been brought out here to-day.

If I wanted to get an unanswerable argument against this movement I have never had a better opportunity in all my reading and study than I have had here to-day. The very conflict of opinion that exists here, the very contrariety of interests that are brought to the front under the pressure of this discussion, show the impossibility of the execution of such a law equitably in the country. The very discord of religious opinion and interpretation of the Scriptures go to show beyond the shadow of a doubt that it is a forbidden subject with which you have no right legitimately to meddle. I do not need any other argument than I have heard to-day.

I do not wish to impinge upon any man's conscience. I will go as far as any man living to enforce the right of conscience in every respect,



the rights of man limited only by the same rights in others, for that is the law governing it every time.

So with regard to this temperance question. There is not a better friend of that question on this earth. I have drank the sequence of the infamous thing to the bitterest dregs. I fought it day and night for a large part of my life. I have been the instrument of driving it out of a whole county, and while I staid there and fought it, it staid out of the county. I have been the instrument single-handed of driving it out of one town, and of another town double-handed by the aid of a prominent citizen of Mount Pleasant, Jefferson County, Ohio, and for forty-odd years no glass of liquor has been legally sold and drank in the place.

This is my work. I published two temperance papers and studied the subject; and to-day if the religious people who are advocating this from a wrong standpoint, bringing it into the religious phase, will make it purely secular, I will forfeit my very life if I can not furnish an argument on the sumptuary phase of that question that no man living can answer logically.

But I am barred from it. My powers in the cause of temperance have been dormant and slumbering for twenty-five years, simply because they have seized this question, non-secularized it, brought the religious element to bear on it, made it a part and parcel of this movement, and finding themselves incompetent to carry it forward without the ballot for woman they are ready to precipitate, like a mighty avalanche, the entire religious influence of this country into the vortex of politics in order that they may carry their point. I have been over every inch of the ground. That is the state of affairs we are in.

Let us have secular legislation. Let us have a perfect and absolute disassociation of church and state. Do not tax me, who protests, to support your religious institution. I have a different view. I put my hand in my pocket to support my ideas, but I am compelled by the present legislation, the non-taxing of church property and by the proposed legislation I will be compelled, to pay a tax to support your ideas of religion and God. I propose to protest, and not only to protest but to fight, while brain and body stay together. Then I shall endeavor to come back and try it a little more if I can.

Mr. Chairman, I will be a little epigrammatical and then probably you will not be required to call time on me. The legitimate functions of the Congress of the United States are generic. It should never indulge in special legislation. It should never exercise judicial powers, as your committees do here every day when Congress is in session. Every case that comes before you requiring the exercise of the judicial function should be brought under the action of a law that would be so generic that it would comprehend every case that could possibly arise of the same nature.

That is what I wanted to say when I visited your house on one occasion, not on this subject, but on the subject of legitimate legislation in regard to personal rights and property. Every law should be so universal that it would comprehend every citizen of the United States and not do injustice to any one. Who dares to dispute the correctness of that proposition?

There is another point of great moral moment. Every time you undertake to discriminate upon the moral quality of an act by reason of the time when it is transacted, you make a mistake. If you say to the man whom you call a sinner that such and such secular work is wrong if done on Sunday and right if done on Monday, you lessen that man's



estimate of the morality of his own conduct; you take from him the most gigantic potency that can exist to control and regulate his moral conduct.

Whatever is right to-day was right every day since the morning stars sang together, and will be right until the knell of time shall be sounded. Whatever is wrong to-day was wrong from the beginning and will be wrong to the end. The moral quality is in the act performed and not in the time when it is done. That is just the principle not comprehended in this proposed law, and it is demoralizing logically in its effect alike upon those who submit to it and those who enforce it.

The CHAIRMAN. I understand that you are in favor of Sunday laws.

Mr. WOLFF. Permissive, not positive.

The CHAIRMAN. Will you not explain what you mean by a Sunday law that is simply permissive?

Mr. WOLFF. The President of the United States issues a proclamation that the 29th day of November shall be set apart for a day of feasting and worship and thanksgiving. People keep it who want to keep it. The 4th of March is a public holiday in this district, because the President of the United States is inaugurated on that day. I mean to say that you have no right to say that John B. Wolff or Professor Jones shall keep any particular day for any particular reason.

Now I will go back and state another fundamental proposition. There is only one legitimate basis for the true organization of society. There is only one legitimate purpose of its existence, and that is the enforcement of personal rights against all comers and goers, against the Government itself, which constantly tends to abuses because too frequently in the hands of incompetent and irresponsible men.

You will permit me to say, as I said publicly last Sunday night from the platform, that your Constitution, as to the guaranty of personal rights in this country, and your State constitutions are not worth so much rotten paper.

First of all there is no power of self-enforcement. The mere statement of platitudes of rights may be made by any convention of politicians, by any constitutional convention providing for organic compacts, national or State, but there is no power of enforcing them. Society does not protect us to-day. If you will go to work and make laws by which our material interest shall be protected, by which our personal rights shall be enforced, you would be in a good deal wiser business than interfering with our rights of conscience as this bill interferes with those rights.

I wish to impress the point distinctly upon you that the distinction between the moral qualities of acts determined by time is demoralizing in the extreme.

In reference to what my friend Sunderland said—with whom I am shoulder to shoulder in great public ideas, and I would be sorry to offend him as any man I know in this city—with regard to what he has said on the subject of the antiquity of my ideas, I call your attention to the fact that within two hundred years these objectionable manifestations of religious zeal have been made. Look at the blue laws of Connecticut. Look at the blue laws of the State of Maryland, unrepealed to-day. If there was a critical interpretation and a rigid enforcement of the law, a man would have his tongue branded in this District for blasphemy. Look at the Salem witchcraft. Look at the thousands and tens of thousands of people who were victimized by popular religious fanatisms and subjected to cruel torture, imprisonment, deprivation of rights, and finally slaughtered. Think of good old Boston, the hub of the uni-

verse, when less than two hundred years ago women were driven through the streets of that city, tied to the tails of carts, and half naked, and whipped until the snow was blood-stained, simply because they believed in a peculiar form of spiritual inspiration.

That is just the point Professor Jones and myself, though in antipathy as to doctrine in every sense, agree upon. I can shake hands and join hearts with that man and these gentlemen over here in the very generous, philanthropic, and just view they take upon this subject. Give to every man and woman the right to worship God according to the dictates of his own conscience, separate the church and state completely, and enforce the moral laws by penal sanctions if you will, but remember that punishment never reformed anybody. Remember that.

While I am not here to say we shall not have laws with penal sanctions, I am here to say that no penal sanction ever reformed a criminal in the history of the world. It is not in the nature of things. When you get the legislative wisdom that will enable you to pass such penal statutes as shall make the criminal respect the law, when he feels the halter about him, then you will have a law that will reform a criminal. When you can make laws so just that the common sense of the veriest criminal shall assent to their justice and enforcement, not in extremities, not vindictively, not to give to society satisfaction and punish the man, but making him thus feel that justice only has been done, then your criminal jurisprudence will be reformatory in its effect, and never until then.

In thus speaking on these subjects that came up incidentally, I am speaking for my country and my country's good. I am speaking for my own children. I have all the responsibilities of life resting upon me and all the interests at stake in the good order of society, in my own children and grandchildren that any man can have. I will not allow these clerical gentlemen to be one whit ahead of me in my desire to promote the welfare of society. But there is such a thing, Mr. Chairman, as doing more evil by the remedy than the disease itself, and it is very dangerous to set such precedents as you will set in this bill, even if it were free from the critical exceptions that have been made to it before you to-day.

It is fraught with danger more imminent than you can imagine, and when this thing goes on, as my friend over there has pointed out, like the little rivulet starting away up in the mountains, it is tiny, you can divert it, you can make it irrigate the arid land, you can make it turn the wheels of manufacture, you can turn it into the instrumentalities of commerce, but when it has added stream to stream until it becomes a giant river like the great Potomac, or the Mississippi, or the Missouri, it becomes uncontrollable; it has overtopped your powers as the problems of this Government have overtopped the legislative capacity and political science of the men who are running the machinery. Still you dabble with forbidden subjects. You impose upon yourselves burdens that do not belong to your functions, and you augment the difficulties in the settlement of the problems that are within your legitimate sphere, and to which you might successfully address your attention. I refer to those problems that have been investigated by committees of Congress.

Thanking you, Mr. Chairman, and omitting a great deal that I have here that is suggestive, let me ask you not to press this legislation in the name of thousands and hundreds of thousands of people who have not been appealed to at all. One class, Mrs. Bateham says, was avoided because they were against it. Why should they not have been allowed to record their protest and give their reason as a minority?



The CHAIRMAN. They still have the opportunity.

Mr. WOLFF. You have not the time. Have the merchants as a body been appealed to?

The CHAIRMAN. But you know here are petitions presented. This is a hearing upon petitions. Here is an opportunity to put in words the purpose of these people, and the legislative bodies are still open to petition, to remonstrance, to hearing.

Mr. WOLFF. That is right. Mr. Chairman, in conclusion, you will allow me to say on the subject of those petitions that I had the honor ten or twelve years ago to represent 75,000 people who entered a solemn protest pro forma against this kind of legislation. I spoke for over three hours before the committee of the House on the subject. That petition is there filed away to-day. When you talk about petitions I would be willing, if a gambler, and I do not gamble, to bet \$50 that I could go into the street and in two hours' time get twenty signatures to a petition to hang your honor.

When petitions are presented to people for signature the merits of the matter are not discussed. For instance, I will take a question in which you are interested. Some years ago we got up a petition to the legislature of New York to limit acquisitiveness by law; and, by the way, that is the only remedy; it covers the whole subject. We went into ward 17. I did not go there, but I say "we." A gentleman employed agents to canvass the ward, and he got 7,000 signatures to that petition. How many persons intelligently signed it? That is all there is in that.

Again thanking you for the time you have given me, and not waiting to have time called on me, so that I have that advantage of you, I will close.

The CHAIRMAN. You have exceeded your time nearly ten minutes, but it is all right; I did not want to interrupt you. I will read the note passed up by Mr. Wolff, so that it may appear in the record whom he represents:

NEW YORK, December 12, 1888.

DEAR SIR: In my capacity as chairman of the executive committee of the American Secular Union, I hereby appoint you as the agent and representative of that society to appear before Congressional committees in Washington whenever opportunity offers for the purpose of opposing legislation instituting new Sabbatarian laws or restricting citizens' work or privileges on any day of the week on religious grounds. In short, the Secular Union will depend on you to defend secular ideas, of the entire separation of church and state as indicated in the nine demands, and as evidently intended by the founders of this Republic. You are also requested to report to us all meetings of legislative committees that have consideration of such questions and to report the proceedings.

Yours truly,

E. B. FOOTE, Jr.,

*Chairman Executive Committee, American Secular Union.*

Mr. JOHN B. WOLFF.

Mr. WOLFF. I want to explain that they do me that honor, but I do not belong to that body.

The CHAIRMAN. Will you not state what the body is?

Mr. WOLFF. It is a body of unbelievers, rather materialists and secularists, who take the extreme ground, which I do not take, for the purpose of preventing any interference with questions of religion.

The CHAIRMAN. I wish merely to suggest that the ambiguous word "secular" is made use of here.

Mr. WOLFF. Yes, sir; but I did not do that. You do not catch me there.



The CHAIRMAN. So we can really be supposed to understand what a secular union is.

Mr. WOLFF. It is contradistinguished from a church union.

The CHAIRMAN. The courts would construe the language probably if there was any occasion to do so.

Mr. WOLFF. Yes; the word "secular" I believe is well defined.

#### ADDITIONAL REMARKS BY PROF. A. T. JONES.

Mr. JONES. In answer to the question raised by Mr. Wood, that the conscientious convictions did not require us to work on the first day of the week, the sixth day, I wish to read Judge Cooley's opinion.

Mr. WOOD. I referred to the Bible.

Mr. JONES. Well, Judge Cooley's opinion is of force in law. Judge Cooley says:

But the Jew who is forced to respect the first day of the week, when his conscience requires of him the observance of the seventh also, may plausibly urge that the law discriminates against his religion, and by forcing him to keep a second Sabbath in each week, unjustly, though by indirection, punishes him for his belief.

I have shown——

The CHAIRMAN. He says "plausibly." That word "plausibly" might indicate that there are some counter views somewhere.

Mr. JONES. The argument is unanswerable. The supreme court of Pennsylvania mention certain grounds upon which this is sustained. I read further from Judge Cooley. He says:

The laws which prohibit ordinary employments on Sunday are to be defended, either on the same grounds which justify the punishment of profanity, or as establishing sanitary regulations, based upon the demonstration of experience that one day's rest in seven is needful to recuperate the exhausted energies of body and mind.

That is the basis of this petition. His answer to that is this:

The supreme court of Pennsylvania have preferred to defend such legislation on the second ground rather than the first, but it appears to us that if the benefit to the individual is alone to be considered, the argument against the law which he may make who has already observed the seventh day of the week, is unanswerable.

The CHAIRMAN. But he also holds that for the general, the public good, Sunday laws are constitutional.

Mr. JONES. Yes, so as to be dispensed upon authority. Then the next sentence is as follows:

But on the other ground it is clear that these laws are supportable on authority, notwithstanding the inconvenience which they occasion to those whose religious sentiments do not recognize the sacred character of the first day of the week.

It is something unusual for persons to undertake to answer an unanswerable argument, but that is the only way in which it can ever be done, by authority. That is the way the Papacy has always done it; and the only way an answer can ever be made to an unanswerable argument is to say, "We have the authority, and you must submit."

The CHAIRMAN. It does not follow that there is no unanswerable argument in support of Sunday laws, I take it.

Mr. JONES. There is the authority.

The CHAIRMAN. There is authority for the Sunday laws. It does not follow because the Sunday laws are supported by authority that therefore there is no sufficient argument upon which to base them.

Mr. JONES. What authority is there for Sunday laws?

The CHAIRMAN. That is what you have been discussing; but you seem to say that because Sunday laws are supported by authority it is

the only argument in favor of a bad law that there is authority for it. But there may be good authority for the Sunday law.

Mr. JONES. That is what is shown here, that there is no good authority for it when it unjustly punishes a man for his unbelief.

The CHAIRMAN. He does not say it is bad.

Mr. JONES. But it is. Is there any answer to an unanswerable argument?

### REMARKS BY LOUIS SCHADE,

*Editor Washington Sentinel.*

Mr. SCHADE. Mr. Chairman, this has been a very interesting hearing. Very strong arguments have been made which might be used hereafter to great advantage. I think the question has been fully touched on both sides, and I hope the proceedings will be published.

The CHAIRMAN. I propose to make an effort to get the remarks printed. It may be necessary to modify some of the documentary matter if it is very diffuse, but the substance of all that has been said I shall endeavor to have printed. I suppose you have some reference to the number of copies. I shall get as many printed as I can, if it should prove to be a matter of public interest.

Mr. SCHADE. I should think it would prove to be so. It would be satisfactory to everybody present here to have these arguments appear, and it would be of great use afterwards.

### ADDITIONAL REMARKS BY PROF. D. B. WILSON.

The CHAIRMAN. Mrs. Bateham, is there anything further that you desire to say in behalf of these petitioners?

Mrs. BATEHAM. I think there is nothing further.

The CHAIRMAN. Is there anything further that any one desires to say at this hearing?

Mr. WILSON. I wish to say that when my brother, Mr. Jones, divides the Decalogue into four and six commandments and puts the fourth with the three first, a truer view of the Decalogue is that the fourth commandment is the key-stone of the arch, and that God and man meet together in the fourth commandment; duties to God and duties to man meet together. If you construct the arch in that way you have it in a better view than to set the four to one side and the six to the other side.

I also wish to say that the view that the Old Testament institutions were purely and simply a theocracy is not entirely correct. That subject has been fully examined. Moses was the head of the civil state; Aaron was the head of the Jewish Church; and there were kings and high priests. Their judges sat in the gates of the city and administered law. Their ecclesiastical laws and institutions were not mingled so that the king was the head of the church, and church and state were not united under the Old Testament dispensation.

The CHAIRMAN. You mean to say that the king was the head of the state?

Mr. WILSON. He was the head of the state, but not the ruler of the church.



## ADDITIONAL REMARKS OF MR. CRAFTS.

Mr. CRAFTS. Sunday amusements, it should be observed, are not within the scope of a national Sunday-rest law, except in the District of Columbia and the Territories. In the States the law can suppress only the Sunday work of the Government's mail and military service, and of interstate commerce, leaving Sunday excursions and all other local matters for State regulation. But the people of the Territories, though relatively few, ought certainly to have the best of government, as they are under the direct control of Congress, which is made up of our best legislators. To enact the section of the Blair Sunday-rest bill which forbids public amusements on Sunday "to the disturbance of others," would simply be giving the people who are under the jurisdiction of the national legislature the same protection in this matter that nearly all those who are governed by State legislatures have had from the foundation of the Republic. In support of this important section of the bill I now submit numerous facts, proving historically that Sunday work and business can not be successfully prohibited without including the amusement vender in the general suspension of works of gain.

## THE RELATION OF SUNDAY AMUSEMENTS TO SUNDAY WORK.

The workmen of the United States and of Europe are demanding a stricter Sabbath observance. Recent agitations to this end have originated, in most instances, not in churches, but in labor organizations, and have been prosecuted, not in the name of religion, but of humanity. Socialism is leading a renaissance of Puritanism. These movements are a striking illustration of that Scripture saying about God's laws, "His commandments are not grievous." Christians tunneling from one side of the mountain for the glory of God, and workmen tunneling from the other side for their own good, meet at the Fourth Commandment, which is found to be as fully in harmony with the nature of man and the necessities of society as any other of the Ten Commandments, on which, it should be remembered, all Christian governments rest—Justinian, Charlemagne, and Alfred having based their legal codes on the Decalogue.

One reason why the Sabbath law and other Bible laws are often considered burdensome by many is that they fail to understand that religion is only living in accordance with nature—conversion being like the setting of dislocated bones, restoring them to their proper place and functions. The Fourth Commandment, at least, is a "natural law in the spiritual world." A restful change one day in seven from one's usual labors and amusements is found to be required, not only by the laws of church and state, not only by the laws of the Old Testament and the New, but also by the laws of nature. Sabbath rest is good, not only for our spiritual nature, but also for animal nature in man and beast, and even for machinery.

The failures and successes of workmen in their recent efforts to secure a more restful Sabbath, point out clearly the only defensible ground of Sabbath observance, which it is all important for both the friends of God and the friends of man to find and fortify. To show what this ground is, not by Scripture, not by abstract theorizing, but by "the philosophy that teaches by examples," is my present purpose. The efforts of workmen on the continent of Europe and in our own country during the past four years to check the rapid increase of needless Sunday work, are a practical study of the holiday Sunday.

What do the facts of recent history show as to the relation of Sunday amusements to Sunday work?

In 1886 the Italian legislators made a law requiring that children employed in factories should each rest one day of each week. The movement was inaugurated by a minister, but supported by the Hygienic Society and several workmen's organizations. Note that these societies did not venture to ask even this irregular one-seventh of time for rest for any toilers except *children in factories*. In 1885 Austro-Hungary, in response to the bitter cry of Sabbathless toilers, enacted a stringent Sunday law which emancipated even printers from Sunday work—for a Sabbath or two. Then Greed recaptured his fugitive slaves. That law, however, serves one purpose at least—it stands as that nation's confession to the world that the continental Sunday, the holiday Sunday, is to many a day of needless toil. Those who know the continental Sunday best, it will be seen, have the same opinion of it that the Quaker



had of a bad neighbor, of whom his opinion was asked—he replied, “He would make a tip-top stranger.”

The reaction against the Sunday work of the continental Sunday is even stronger in Germany than in Austria or Italy. In Stuttgart six hundred shop-keepers have engaged to close their shops on the Sabbath. In Carlsruhe a second distribution of letters on that day has been stopped. In Alsace-Lorraine public houses are legally closed till noon. In 1886 a thousand carpenters of Berlin sent the following petition to the German chancellor for protection against Sunday work :

“PRINCE BISMARCK : You have declared that you would not legally forbid Sunday work until convinced by the voice of the laborers that they demand rest on that day. Here, then, is their voice. We declare explicitly that we desire a law which will grant us protection in the enjoyment of freedom from work on Sunday. Sunday labor leads to misery, crime, and vagabondism.”

Bismarck, instead of aiding German workmen to recover their Sabbath rest, blockaded them, not only in Parliament, but also by his own bad example in keeping the employés in his brandy factories at work seven days in the week. The commission appointed by the German Government to investigate this matter of Sunday work finds the evil very great and very general, but they find no remedy; and even conservative German papers declare that nothing can be done at present except to educate public opinion. Unless they are blind to the lessons of recent history they will begin that education with the fourth commandment. This rejected stone must become the head of the corner in any successful defense of Sabbath rest. As a permit for “beer only” always admits whisky in its shadow, so a permit for Sunday sport always includes Sunday work. In France, where many laborers are seen working in the fields and at their trades during the Sunday holiday, those not at work make it a day of riot and riots; workmen are making demands for Sabbath rest on socialistic and selfish grounds, but with as little success as in Germany. No wonder that travelers in France see no old carpenters, no old stone-cutters, no old shoe-makers! No wonder French workmen, even while they live, do less work in seven days than Englishmen in six!

At a socialistic congress held at Ghent, in Belgium, in 1886, one of the chief demands was for Sunday rest. In Holland, also, workmen are even now making a desperate effort for emancipation from Sunday work. The Independent, of February 17, 1887, says of this movement: “The measures proposed in Holland are characteristic of the whole European phase of the problem. No work is to be allowed that is open to public view; no sales of any sort shall be made in public, with the exception of eatables; no places of public amusement shall be open before 8 o'clock in the evening, nor are intoxicating drinks to be sold near churches in case worship is being conducted in them, nor anywhere before noon. The Government declares that it is impossible to forbid all work on Sunday or to close all places of amusement, as this is the only day of recreation which these laboring men can enjoy; and that the object of this legislation should be merely to prevent any disturbance of public worship.”

In contrast to these failures of continental workmen in their efforts to shut out Sunday work without excluding Sunday amusements British workmen, in 1886, as often before, protested against Sunday opening of museums, and continued to favor the Sunday closing of saloons, recognizing that not only the coarse Sunday amusement of the saloon but also the more civilized Sunday amusement of the museums imperil Sunday rest by secularizing the day.

Even in our own West and Southwest, where the holiday Sunday prevails only in a varioloid form, workmen are asking emancipation from the ever-increasing Sunday work. For instance, in La Crosse, not long since, the Norwegians formed a Law and Order League to enforce the Sabbath laws. Saloons had been suffered to keep open as a part of the holiday Sunday. Some of the dealers in better goods, unwilling to lose their share of the Saturday night's wages, claimed the same sufferance. Their competitors in the same line of goods felt it necessary to do the same in self-defense, until nearly all the retail merchants and their clerks had lost their Sabbath rest, and gained nothing in return. They were simply doing seven days' work for six days' profits. The movement of the Law and Order League was an attempt to recapture the lost rest.

The liquor dealers being closed out, retaliated by enforcing the law against the horse-cars, and seem to have accomplished their purpose, as in many other places, stopping enforcement by enforcement. No Sabbath law should have any restrictions whose enforcement can be used to nullify the whole law. I do not believe the running of horse-cars on the Sabbath is either a work of necessity or of mercy. They are “man-killers,” as now managed. But until the public conscience (I do not say “public sentiment”) is educated to condemn them as wronging both God and man, it would be better to be content with a “six-day law” forbidding any conductor or driver or any other employé engaged in work not prohibited on the Sabbath, except those engaged in household service and in care of the sick and of live-stock, to work

on more than six days per week, which could be arranged by the use of one-seventh more men, and so give back, by the law of supply and demand, a week's wages for six days' work and a seventh of time for rest, rather than to keep the law against Sunday horse-cars on the statute books for no other use than the defense of rum-sellers and the defeat of Sabbath enforcement.

That LaCrosse movement has this bearing on my main argument—it shows us of the East, as a signal to "hold the fort" of our quieter Sabbath, how a holiday Sunday soon becomes a working day even in the smaller cities of our own country, and even where it is tolerated, against statute law, only by the law of custom.

In Chicago, in 1883, a much more significant exhibition of the tendencies of the holiday Sunday to ever-increasing toil was made in a movement to secure from the State legislature a stricter law against opening shops and stores on the Sabbath, in which the Knights of Labor assemblies and labor unions of clerks, barbers, butchers, and other trades joined with the Sabbath Association in mass meetings and other forms of agitation.

At Cincinnati, in 1886, a mass meeting of 1,500 Germans, very largely workingmen, adopted strong resolutions in favor of the enforcement of the Sabbath law and the protection of the day for rest and worship, a counterblast to another meeting of Germans of the baser sort, antagonizing the "Puritanical Sabbath laws." This German meeting in support of the Sunday laws shows that some of our Germans have heard from Fatherland on the Sunday question.

Another confession that the holiday Sunday is a burden is the fact that Louisiana, on January 1, 1887, put in force her first real Sabbath law. About all the good this law can do is to warn other States not to get into the slough of Sabbathless toil by following the will-o'-wisp of Sunday amusements. This new law requires "all shops, saloons, and places of public business to be closed at 12 o'clock Saturday night, and remain closed continuously for twenty-four hours, during which time all business in them is declared illegal. From its operations are excepted all newspaper offices, printing-offices, book stores, drug stores, apothecary shops, undertaker shops, public and private markets, bakeries, dairies, livery stables, railroads, whether steam or horse, hotels, boarding-houses, steam-boats and other vessels, warehouses for receiving and forwarding freight, telegraph offices, and theaters and other places of amusement."

If the reformed Sunday at New Orleans leaves so many at work seven days in the week, what must it have been before it turned over the new leaf?

In Newport, Va., in 1883, the News, the organ of the colored people, protested against the Sunday labor of that port. In Washington the Barber Assembly of the Knights of Labor inaugurated a crusade for the Sunday closing of barber shops. In Baltimore the Carriage Drivers' Association joined with the Undertakers' Association to prevent Sunday funerals except in cases of necessity. In Reading, Pa., the barbers themselves attempted to enforce Sunday closing of barber shops. The extensive reduction of Sunday trains on the Pennsylvania Railroad, in 1886, was doubtless due in part to labor agitation.

In New York, workingmen have made unprecedented efforts to secure emancipation from Sunday work. Hatters, shoe salesmen, bakers, grocers' clerks, dry goods clerks, book-keepers, barbers, all made their protest against the needless Sunday work required of them, and secured several spasms of law enforcement, chiefly useful in two ways: First, in showing that the police can enforce good laws when they will; second, that even the American Sabbath has been very seriously invaded by the needless toil which has marched in on the heels of Sunday sport.

In New York, as elsewhere, workingmen are finding that where they require or allow their fellows to work on the Sabbath for their amusement, their own turn to work comes ere long. Casting out religion from the Sabbath they cast out rest. Every act of the workingmen in secularizing the Sabbath for recreation, in the expressive words of another, "rivets the collar of Sunday labor more tightly around their necks."

A quiet Sabbath forenoon of protected rest and worship can no more co-exist with a Sunday afternoon half-holiday, with beer and public amusements, than two hostile national governments can co-exist in these United States.

The great reduction of Sunday trains by law in Connecticut is another significant item in the general reaction against increasing Sunday work. All over New England we hear the watchword, "The barber's Sunday," another bitter cry from seven-day toilers, demanding their rightful rest. The contradictory decisions in Massachusetts courts, one declaring that shaving on Sunday at a barber shop is and another that it is not "a work of necessity," have prompted the suggestive remark that "justice," so far from being "blind," can see two ways at once. There are many other illustrations of this which suggest that the definition and enumeration of "works of necessity" should be as far as possible done by the legislature, not left to police courts.

All efforts of workingmen to resist the invasion of the Sabbath by toil, while ad-



mitting amusement, have been and must be in vain, for, the ground of the holiday Sunday is indefensible.

While the center of the holiday Sunday's position is weak in the lack of Divine authority, its flanks are weak in their permission, on the one side, of some public amusements; on the other, of some forms of needless labor. The labor and business which the holiday Sunday permits by law is mostly that which is supposed to be essential to public amusement. In order that others may be amused, railroad men, newspaper men, bakers, butchers, tobacconists, confectioners, barbers, bootblacks, drivers, florists, and in many cases, liquor dealers, are allowed to work their employes seven days in a week. It is on the heels of the exceptions, and through the same breach in the wall, that every other form of toil comes into the Sabbath. And why shouldn't it? If a man can not buy his Sunday cigars and caramels over night, why may he not insist on having his new shoes and new hat also on Sunday morning, "hot from the griddle?"

It is a fact of history that wherever a breach has been made in the wall of the Sabbath to let in Sunday concerts and the Sunday opening of museums, not only worse amusements but work also has come following after, because there is no defensible line of battle by which one public amusement (legal on other days) can be kept back while another public amusement, which stands on no higher footing before the law, though it may before the church, is permitted. Nor is there any place for defending the Sabbath against one form of needless work for gain, while another form of needless work for gain is permitted. "Twice is he armed that hath his quarrel just." The holiday Sunday is not thus armed, for it is not impartial either in what he forbids or in what it permits. If a rich railroad corporation can use the Sabbath for works of gain, why not a poor hat-seller also? If men may sell on the Sabbath cigars, newspapers, and candies, why not purer and more useful things also? If a man can't wait for news until Monday morning, why should he wait for shoes? The law that allows the making and selling of daily newspapers on the Sabbath and forbids the making and selling of good boots, lacks equity, the very heart of true and effective law. Such law is a violation of law. By the law of equitable treatment all trade, all amusements, all work (save works of necessity and charity) should be prohibited, or none. Theaters are not willing to lose Sunday gains if saloons are allowed to be open. Hatters and clothiers will soon be claiming the day all over the East, as they have already generally taken it in the West, on the ground that they have as good a right to make money on Sunday as tobacconists and confectioners.

The law should not permit me to make another man work on the day of rest, that I may be amused. I should be required to find my rest in some way that will not sacrifice another's. Only the ignorant will say in defense of Sunday trains, Sunday newspapers, Sunday mails, and Sunday sails: "The few must suffer for the good of the many." I find from carefully compiled statistics that in the United States more than two millions are in this slavery of needless Sunday work, and the number is rapidly increasing. Every day some man has to choose between his salary and his Sabbath.

Those Americans who would allow on the Sabbath the running of trains, the making and selling of newspapers, or any other works not clearly works of necessity, or of mercy, or of religion, have taken a position where they are exposed to a double enfilading fire; first, from all who wish to continue other needless work on that day; and, second, from all who wish to continue other public amusements on that day.

There never was a sound argument for Sunday amusements; but in these days, when the movements for shorter hours of labor, and "early closing," and the Saturday half-holiday, are everywhere multiplying the workmen's hours for week-day recreation, there is not left a plausible argument even for Sunday concerts and the Sunday opening of museums, much less for the "hell of the Sunday boat." The Saturday half holiday and early closing will achieve full success all the sooner if the capitalist is not able to point to Sunday as a weekly holiday. Any defensible ground of Sabbath observance must include the Round Top of Sinai. We must occupy and fortify the position that God's authority, as well as man's, is back of the Sabbath, commending it not to reason only, but to conscience also. This is the work of the Christian pulpit, the Christian press, and of Christian schools—the three chief conservators of public conscience.

The right wing of this defensible line of battle is a hill-top of equity—the impartial prohibition by the State and nation of all Sunday work except works of necessity and mercy. The left wing in this defensible line of battle is another hill-top of equity—the impartial prohibition of all public amusements.

Is the position I have thus indicated as the only defensible grounds of Sabbath observance impracticable? Nay, is is not even unreal. It is very near the position on which the only successful workingmen's defense of the Sabbath has ever been conducted in Europe. While continental workingmen have vainly attempted to recapture their Sunday rest British workingmen have successfully defended theirs by resisting the vanguard of the Sabbath's invaders, refusing even the opening of museums



in 1886, as often before. They see clearly that there is no defensible position between the Sunday opening of national museums and the Sunday opening of theaters, nor between the Sunday opening of theaters and the Sunday running of factories.

It is vastly significant that the only country in Europe in which workingmen have not to a large extent lost their Sabbath rest, is one in which public conscience recognizes the divine authority of the day.

What I have described is the only defensible ground of Sabbath observance, centering in the heights of a public conscience that recognizes the day as of divine authority, with an impartial prohibition of all needless work on one flank, and of all public amusements on the other; is more perfectly realized in Toronto than in any other large city of the world, and there proves itself both practical and popular.

This city of 140,000 inhabitants, with distances from center to circumference as great as even larger cities, has every obstacle to a strict Sabbath observance which "modern civilization" is supposed by some to offer. But the obstacles are all overcome. The Toronto Sabbath is "The barbers' Sunday," "The printers' Sunday," "The bakers' Sunday," "The butchers' Sunday." The right to Sabbath rest is not taken even from the conductors and drivers of the street cars, the post-office employes and the printers of the daily papers. Barbers, grocers, butchers, bakers, tobacconists, confectioners, also rest. Telegraph operators all rest, except ten at the central office. Druggists and milk dealers are free most of the day. The latter have resolved hereafter to make no delivery on the Sabbath in cold weather, as it is entirely unnecessary. Livery stables can legally be used only for sickness and church going, and it is expected, by the co-operation of the drivers themselves (who are licensed and made responsible), that all pleasure-driving will be stopped, and nearly all the drivers get the whole day for rest, the few others detained for permitted work having part of the day.

Christians of Toronto at least are considerate of their servants in their stables and at their tables. It is hard to prohibit the renting of boats to the poor while the rich man drives about in his carriage. Three "through trains," kept up by American competition, is the most serious offense against Sabbath rest that one sees. It is out of control of the city authorities, the provincial law allowing Sunday trains starting in the United States to go through Canada to their destination. This sort of Sabbath is kept up not alone out of regard for God's law, but also because it is found to be for the best good of men. Efforts to get Sunday horse-cars or Sunday papers have found no popular support and utterly failed. Workingmen see that "the Sabbath was made for man." Druggists think ours a "horrible country" for men of their trade, in that even half of a Sabbath is not allowed them for rest. Toronto is "a city set on a hill," "a light to the world," as to what can and should be done in all large cities in regard to Sabbath observance. If a city would not suffer from hot-boxes of socialism, let it give its workingmen, as Toronto does, early closing, Saturday half holidays, and Sabbath rest.

On the issue of the battle for the Sabbath the fate of our country and of our Christianity depends. Neither evangelical Christianity nor popular liberty ever thrived in a land of holiday Sundays, which are the allies of tyranny, infidelity and superstition. A quiet Sabbath is the best school of liberty as well as of religion.

Let us then hold at any cost—for it is easier to defend than to recapture—the only defensible ground of Sabbath observance—namely, that both the authority of God and the good of man require on that day the cessation of all needless work and of all public amusements.

I submit also, from my book, "The Sabbath for Man," the closing section of the chapter on the question:

#### ARE SABBATH LAWS CONSISTENT WITH LIBERTY.

Sabbath laws are consistent with liberty in the same way as other laws for the protection of institutions deemed by the majority of the people important to the welfare of society, such as the setting apart of the Fourth of July and the Twenty-second of February for the culture of patriotism.

Many of the foreign one-seventh of the population of the United States have no interest in the national holidays, and would prefer to pay their notes that come due on the Fourth of July on that day rather than on the previous one. They would also like to use the banks and courts on that day, and to be able to find public servants in their offices. But few of these guests would say that it was inconsistent with liberty for the native majority of the population to set apart these days for lessons in liberty.

Most of this native majority, with a third of the foreign population added, have another institutional day whose observance they regard as essential to the preservation of the Republic—the Sabbath.

Liberty forbids them to enforce upon any one the religious features of the day.\* Church-going is not required by any of the State laws, except those of Vermont and South Carolina, and these have never had a single enforcement and lie in "desuetude," but ought to be repealed for the sake of holding up to the people a law consistent with liberty in precept as well as in practice. Liberty allows the majority no right, and it has no disposition, to enforce its religion upon others. But inasmuch as more than three-fourths of the population of the United States are members or adherents of Christian churches, and so accustomed to set apart the first day of each week for rest and religion, and inasmuch as it is the conviction of this majority that the nation can not be preserved without religion, nor religion without the Sabbath, nor the Sabbath without laws, therefore Sabbath laws are enacted by the right of self-preservation, not in violation of liberty, but for its protection. "They aim simply to protect from disturbance those who observe the Sabbath as a day of rest and worship."

These Sabbath laws are not Puritanical. If they were, it would no more be a valid argument against them than it is an argument against the American Constitution, its common schools, and its homes, that they are of Puritan origin. But the main features of American Sabbath laws came from the predecessors and the persecutors of the Puritans. If there was to-day in the United States less reading of romance and more of history, speakers would be laughed down for their ignorance whenever they quote the "Blue laws," except as a fiction. If the old law requiring people to go to church is Puritanic, how does it happen to be still on the books in so anti-Puritan a State as South Carolina? Before the word Puritan was invented England had Sabbath laws forbidding labor, trade, festivities, games, and sports, and requiring church-going, and from these ante-Puritan laws, which were in force in America up to the Revolution, the Sabbath laws of the United States were chiefly patterned. Unpuritan English rulers and law-makers long ago recognized that the prevailing religion had a right to protection on its day of worship, but carried the law too far in requiring church-going, which requirement the nineteenth century has canceled on both sides of the sea. But the nineteenth century, so far from canceling, confirms the essential features of Sabbath laws by re-enacting and re-affirming them in the legislative and judicial assemblies of its most enlightened nations.

In a monarchy the chief perils are from without; in a republic the only peril is of inward corruption. The republics of Rome and Greece and Spain, and the former one in France, all died, not of wounds, but of moral cancer. The devil can not cast a republic down from its high estate by any external blow. He can only say, "Cast thyself down." If he can persuade the people to adopt the holiday Sabbath and put the saloon and the shop in place of the home and the church; if he can stop the Sabbath's weekly diffusion of intelligence and conscientiousness, and put frivolity and greed in its place, he will at length raise up a people among whom ballots will be given in exchange for beer and bank-bills. Even a Jew does not care to sell goods on credit in a town where there are no churches. Who would want to invest his property or to rear his family in a Sabbathless republic, with liberties as imperfect and as uncertain as those of France, whose political volcano is liable to eruption at any moment. Burke said it was easy to have freedom and to have government, but to have a free government was very difficult.

"Without religious sanctions," says Professor Goldwin Smith, "men have never been able to live under a government of law." And, we may add, that with them a good government may live forever. In the words of Earl Russell: "There is no necessity in the nature of things that nations should die. History points to no people which, while strong in faith, in reverence, in truthfulness, in chastity, in frugality, in the virtues of the temple and of the hearth, has sunk into atrophy and decline. We may decide, therefore, that so long as moral energy fails not, the life of the nation will not fail."

General morality is one of the necessities of life to a popular government, and such morality has never yet been secured except through churches and Sabbaths. Popular government can not live by bread alone; it must have also morality and religion. "Despotism may govern without faith," said De Tocqueville, "but liberty can not." It was the conviction of this truth that forced Mirabeau, the eloquent orator of the French revolution, to exclaim, "God is as necessary as liberty to the French people." Another Frenchman, La Place, wrote: "I have lived long enough to know, what at one time I did not believe, that no society can be upheld in happiness and honor without the sentiments of religion."

These utterances have double force coming from France, the only nation that, having received the Sabbath, has ever legally and deliberately murdered the messenger

\* The American Sabbath Union and the Woman's Christian Temperance Union both by unanimous votes have objected to even the word "promote" in the title of the Blair Sunday rest bill, with reference to "the religious observance of the day," and also in the closing sentence of the bill; and the author of the bill has consented to use the word "protect" instead of "promote" in the title.



of God, and thus crushed the religious instinct of the people, which it did at the Revolution by appointing a tenth-day rest, thus bringing on the wreck of liberty in a "reign of terror." Neglect of Sabbath rest produces not only personal but political insanity. De Tocqueville said to an American, when the American Sabbath was stricter than it is now, "France must have your Sabbath or she is ruined." It might be added that America must restore her Sabbath or she is ruined.

The venerable historian Hon. George Bancroft, in 1884, wrote to the New York Christian Advocate his conviction of the inseparableness of liberty and religion, as follows: "Certainly our great united commonwealth is the child of Christianity; it may with equal truth be asserted that modern civilization sprang into life with our religion; and faith in its principles is the life-boat on which humanity has at divers times escaped the most threatening perils."

Religion is, then, necessary to the preservation of the State; but is the Sabbath necessary to the preservation of religion? Voltaire answers: "There is no hope of destroying the Christian religion so long as the Christian Sabbath is acknowledged and kept by men as a sacred day." The reverse is also true, that there is no hope of preserving it in any community where the Sabbath is not observed. Even a clergyman, visiting in Venice, who had lost his reckoning of days, found through an American friend whom he met at evening that he had unconsciously spent a Sabbath in sight-seeing, having observed no closing of shops or cessation of work or amusement to suggest that it was a holy day. This gives point to Calvin's saying, that "if the Lord's day was abolished the church would be in imminent danger of convulsion and ruin."

At a recent gathering of Lutherans in Germany, Dr. Bauer, court preacher, began an address with the strong assertion that though Dr. Luther had declared the doctrine of justification by faith to be the doctrine of a standing or falling church, he could not regard the sanctification of the Sabbath as any less a ground pillar of the church and of our whole social life."

Dr. Mark Hopkins, in an able address on "The Sabbath and free institutions," has laid down and proved the following propositions: "(1) A religious observance of the Sabbath would secure the permanence of free institutions. (2) Without such observance such permanence can not be secured. (3) That the civil, as based on the religious, Sabbath is an institution to which society has a natural right, precisely as it has to property." He declares that there has been no instance of a people that kept the Sabbath that has not been free. He shows from history that "God has joined liberty with the Sabbath," that the Bible is God's educator for the conscience, and that the Sabbath is his appointed school-day for the race. History authorizes us to add that mental education is not enough to make good citizens. Ninety-four per cent. of the criminals of New York State are able to read. Although ignorance is the handmaid of vice, as learning is of piety, yet no degree of intellectual education can counteract the evils resulting from a lack of the moral education which the Sabbath affords. "No republic has yet perished in which intelligence was not more general and higher at his overthrow than at its founding." Free governments can not go on without morality. In the words of Franklin, "What are laws without morals?" And, we may add, whence shall we get morals except from religion?

Let Washington answer both questions. He says: "Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." To this agree the words of Justice McLean, of the Supreme Court of the United States: "Where there is no Christian Sabbath, there is no Christian morality; and without this free institutions can not long be sustained." Hon. John Randolph Tucker, M. C., of Virginia, has ably enforced this same great truth: "Ah! my friends, break down the fence of Christianity, and liberty and law and civilization will perish with it. I wish to testify my belief that the institutional custom of our fathers, in remembering the Sabbath day to keep it holy, as the conservator of their Christian religion, is the foundation of our political system and the only hope of American freedom, progress, and glory. Just in proportion as man is governed by his sense of right and duty, or by the religious principle in some form or other, he is capable of and fitted for duty. But, on the other hand, in proportion to his disregard of moral law or the law of conscience does the need of external power increase. Liberty must grow less, and power tend to despotism. When the constitution and laws of a country, therefore, protect religion, they conserve that internal power over the man which saves liberty and makes despotism impossible."

Sir John Sinclair wrote an essay against what he then considered a too strict and Puritanical observance of the Sabbath in Scotland. His friend, Dr. Adam Smith, although himself the apologist of Hume, said to him, "Your book, Sir John, is very ably composed, but the Sabbath as a political institution is of inestimable value independently of its claims to divine authority."

Let us not call the Sabbath, in legal parlance, a *dies non*; British and American history prove it, even as a political institution, the day of days.

"But," say some who admit that the state can not be preserved without religion,



nor religion without a Sabbath. "the Sabbath may be preserved without laws." France and Germany answer, "No." Neither rest nor religion can use the day to advantage without legal protection against greed and passion. Where there are no Sabbath laws there is practically no Sabbath.

Sabbath laws for protecting the worshiping day of the prevailing religion from disturbance, then, are vindicated as belonging to society's laws of self-preservation.

As courts have often decided, these Sabbath laws are not in violation of that much misunderstood article in the American Constitution: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." President Charles E. Knox, D. D., of the German Seminary at Bloomfield, N. J., in a very able paper on "The attitude of our foreign population toward the Sabbath," urges that this amendment needs to be thoroughly expounded to the foreign population of the United States. "It should be shown to them," he says, "that while Congress possesses no law-making power in respect to an establishment of religion, it may and does and always has passed laws which have respect to religion. It may and does and always has passed laws in respect to those phases of religious conviction which have to do with the self-preservation of the republic. Whatever makes the best citizen, Congress has a right to prescribe. Whatever attacks the vitalities of citizenship, Congress has a right to prohibit."

It should be shown to them also, that while liberty allows no state church, and can compel no worship, "Christianity is a part of the common law of the land," as the highest courts have often decided. That Christianity is interwoven with the entire structure and history of the American Government is shown by the following facts, among others: The pilgrims founded the nation through a desire for freedom to worship God, and especially for freedom to keep the Sabbath holy. The Declaration of Independence recognizes the inalienable rights of citizens as proceeding from God.

The articles of confederation of the States and the charter of the Northwestern Territory contained in their provisions for education and for charitable and reformatory institutions a recognition of the laws of religion. The convention for framing the Constitution was opened with prayer. The President annually proclaims to the entire nation a Day of Thanksgiving to God for His mercies. Upon some of the coins of the nation is engraved an expression of our trust in God. Each branch of the General Government has its chaplain, and the Army and Navy are also supplied with chaplains as regularly commissioned officers. The President, members of Congress, and of the judiciary, governors of States, legislators, and other officials are sworn into office in the use of the Bible and by an appeal to the God of Christians. Witnesses before courts of law are required to make oath in the name of God that they will tell the truth. Churches and property used exclusively for places of worship are exempt from taxation. Ordained ministers of the Gospel are declared to be competent to solemnize marriage. The State provides religious instruction for the convicts in its prisons and for the youth in its reform schools. Wherever public schools have been established instruction in Christian morality has been enjoined. Nearly all the States prohibit secular labor, noise, and confusion on the Sabbath, and (with certain recent exceptions) have always held that all civil contracts made upon that day are void. The Federal laws of the United States also recognize the Sabbath by forbidding distilling on that day, and by intermitting the studies in the national academies, and by counting out the Sabbath from the ten days allowed the President for signing an act of Congress.

American Sabbath laws do no injustice to those emigrants who do not believe in quiet Sabbaths; first, because they knew or might have known beforehand of the existence of these laws, and are under no compulsion to come or remain unless they can do better in their adopted country with the Sabbath laws than elsewhere without them; second, because the Sabbath laws are one of the chief forces that make America a good place to emigrate to; third, because the nine-tenths of the people who have tested the personal and political value of the American Sabbath have some rights which the other tenth, chiefly composed of guests, are bound to respect; fourth, because the Sabbath law, in the language of the supreme court of California "leaves a man's religious belief and practice as free as the air he breathes." It only forbids the carrying on of certain kinds of business on a certain day in the week, and the day selected in deference to the feelings and wishes of a large majority of the community is the day commonly denominated the Christian Sabbath or Sunday.

A man may worship the sun on Sunday if he pleases, only he can not legally do it by noisy excursions, because these interfere with the right of others to rest and quiet.

Europe has no greater despotism of the few over the many than the Sabbath-desecrators who have fled from its tyranny seek to establish in America. The one-tenth of population who want to make the Sabbath a day of noisy and demoralizing amusements seek to set up a foreign oligarchy over the nine-tenths that have established a quiet Sabbath—the brazen despotism of a loud and low minority over a too compromising majority, who endanger liberty by concessions, for fear of being misunderstood in their methods of protecting it. In California this oligarchy of foreign liquor-

sellers has actually been allowed to repeal the Sabbath law as a "League of Freedom." This oppression of masses by margins in the name of liberty should be stopped. Americans have already changed the plans of national housekeeping too much at the discourteous dictation of the most disorderly of foreign visitors. Let those who wish a Continental Sunday stay where it is. The United States want neither it nor its moral and political fruits. Monarchies can live, even though the masses are only animals and children, such as thoughtless Sabbaths make them, but in a republic the masses must be men, such as only quiet Sabbaths have ever been able to produce.

But how is it consistent with liberty that those whose religion requires them to rest on the seventh day should be compelled by law to give up public business and public amusements on the first day also?

The case of Jewish emigrants is not as difficult as many have thought. Every Jew who determines to come to Great Britain or the United States knows, or might know, that, while his religion forbids him to do business on the seventh day, the laws of the countries to which he proposes to go forbid the same on the first day. If he can not do more business in five days in Great Britain or in the United States than in six days elsewhere, he is free to remain elsewhere. If, when he has come into Great Britain or the United States, he finds by experiment that "a conscientious Jew can not make a living," the world is all before him to choose where he will dwell. Jews seem to forget that their Mosaic law compelled not only native Israelites to rest on the seventh day, but also their servants, native or foreign, and "the stranger within their gates." It is passing strange that a people whose ancient law compelled the Gentile worshipers of the sun who happened then to be in Palestine, although they kept the first day of the week for their worship, to rest on the seventh day also, out of respect to the prevailing religion, should object to Great Britain and the United States following the example of their fathers, only making the rule work the other way.

The only nations that have not mobbed and robbed the Jews are those which have forbidden them to trade on the Christian Sabbath, that the people might receive their weekly lessons in justice.

It is not sufficiently emphasized that the Jew is left absolutely free to observe the seventh day. He can close his shop; he can refuse to work. It would not be reasonable for legislatures to compel the ninety-nine one-hundredths of the population who do not regard Saturday as a sacred day to stop business for the less than 1 per cent. who do. If this were done, the Mohammedan immigrants of the future would soon be asking for laws halting industry on their sacred Friday also.

As the national welfare of the Jews called for a legally-protected Sabbath, which the minority of other faiths were not allowed to disturb, so America's national welfare calls for similar laws, in which the Jew must play the part of "the stranger within the gates." Rabbi Gottheil, of New York, though by no means pleased with Christian Sabbath laws that prevent the Jewish peddler from selling his goods to "working people on that day," yet says, "We are willing to submit to reasonable restrictions upon our liberty for the sake of our Christian neighbors."

That last admission is exactly the American theory of Sabbath laws, the only difference of opinion being as to what "restrictions" are "reasonable," a question which the majority, of course, must answer for itself.

The laws of many of the United States and the customs of all allow, what Jewish laws never allowed, that the stranger, who keeps another day as holy time, may engage in private labor on the national Sabbath, provided it be done in such a manner as not to disturb the community in its rest and worship. The Jew may not keep his shop open, because trade is a public disturbance of the general rest, and involves persons who do not keep Saturday as holy-time; but he may work in his home in making clothes or otherwise, and rely upon the fact that he regularly intermits such work on Saturday as his defense in case of prosecution. The majority have been very generous with the Jews in their laws, and still more in their practice, but this generosity has not been reciprocated. No people have so persistently violated the Sabbath laws as Jews of the baser sort, who would sacrifice the interests of the nations which have most heartily befriended them for their own private gains. They are not willing to lose a day's profits per week to perpetuate in their adopted countries the institution of a regularly-recurring day of rest in each week, which they believe necessary to a nation's perpetuity—the neglect of which, according to their own prophets, was the chief cause of their own national ruin.

If the Jews could but take the scales of personal selfishness from their eyes, they would rejoice to bear some slight loss in aiding the Sabbath-keeping nations in perpetuating substantially the same institution as that whose faithful observance was the secret of their former national prosperity.

A few of the better class of Jews rise to this consistency. A Jewish mayor enforced the Christian Sabbath law in Jacksonville, Fla., and the Jewish deputy Lasker supported, in the German Reichstag, a bill reducing the mail distributions on Sunday in Berlin to one. The lower grades of Jews, such as have robbed the less shrewd



peasants of Russia and Germany by wholesale, and have come to England and America for the same purpose, such as habitually violate the Christian Sabbath laws, are not a kind of immigrants that should be enticed by concessions and special privileges.

Dr. L. Wintner, of Brooklyn, a Jewish rabbi, whose synagogue I have visited on the Jewish Sabbath with pleasure and profit, has sent me an abstract of a recent lecture on the Sabbath which questions of mine led him to give to his people and their Gentile neighbors. In these notes I find three interesting and significant admissions: (1) "With a great number of Israelites the Saturday Sabbath is not a day of rest, as the commercial circumstances of the present are such that Jewish business men here and in Europe are obliged to keep their places of business open on Saturday." (2) "Sunday morning lectures have [therefore] been instituted in several Jewish congregations, as in Chicago, Philadelphia, and perhaps some other places," a movement which even the conservative *Jewish Messenger*, of New York, is advocating. (3) He hopes a compromise may be made between Christians and Jews by agreeing on "a neutral day in the middle of the week" as the Sabbath for all, showing that he is willing to give up Saturday and take some other common day, his national prejudice against the Christian first-day Sabbath being his only reason for preferring the third or fourth day to the first—a prejudice which few would claim was an adequate reason why a whole nation should change its day of worship and rest. These three admissions suggest that by influences now at work all difficulties in the relation of Sabbath laws to the Jews will soon be self-adjusted.

The one or two very small sects of Christians who worship on Saturday, holding as they do that the observance of one day in seven for rest and worship is necessary for personal and political self-preservation by a law of God as old as the race, are not less inconsistent than the Jews in seeking to break down such an observance in all who will not observe the day which their method of Bible interpretation has pointed out. The tendency of legislatures and executive officers toward those who claim to keep a Saturday Sabbath is to overleniency rather than overstrictness. For instance, the laws of Rhode Island allow Seventh-Day Baptists, by special exception, to carry on public industries on the first day of the week in Hopkinton and Westerly, in each of which places they form about one-fourth of the population. This local-option method of Sabbath legislation, if generally adopted, would make not only each State but, the nation also, a town heap, some places having two half-Sabbaths, as at Westerly, to the great confusion and injury of interstate commerce and even of local industry. Infinitely less harm is done by the usual policy, the only constitutional or sensible one, to let the insignificantly small minority of less than one in a hundred, whose religious convictions require them to rest on Saturday (unless their work is of a private character such as the law allows them to do on Sunday), suffer the loss of one day's wages rather than have the other ninety-nine suffer by the wrecking of their Sabbath by public business.

Instead of reciprocating the generosity shown toward them by the makers of Sabbath laws, these seventh-day Christians expend a very large part of their energy in antagonizing such laws, seeking by the free distribution of tracts and papers to secure their repeal or neglect, seemingly on the policy of rule or ruin. They persuade very few to keep the seventh day; they only succeed in confusing the consciences of many about the first. They increase the desecration of the Lord's Day, but not the hallowing of Saturday.

Perhaps the Saturday half-holiday movement, which is well established in England and well started in America, may afford partial relief to the seventh-day people of all kinds in their conscientious perplexities, as they stand halting every Saturday between worship and work. We rejoice in the prospect that overworked Americans, whose products are cheapened by overproduction, will ere long very generally add a large part of Saturday (in Pitcairn's Island, "The Paradise of the Pacific," it is the whole) to the legal rest day, thus greatly improving the Sabbath by bringing people to it less jaded, giving the people a half-holiday with the whole Holy Day, and incidentally relieving the few seventh-day worshipers from the great moral peril to which they are exposed by their weekly battles between conscience and commerce.

Meanwhile it should be remembered by all who do not feel bound to cease from public labor and trade and amusements on the first day of the week because of any other Bible commands that they are bound to do so in Great Britain and America by the passages in the Hebrew Bible and the Christian's Bible that require obedience to "the powers that be," except when their laws break God's laws, which can no more be said of the six-day laws than of "ten-hour laws," since Sabbath laws require no man to worship on any day.

Sabbath laws are consistent with liberty in that they are laws for the prevention of cruelty to animals, in that they are laws of health, in that they are laws for increasing the national wealth, in that they are laws for harmonizing the relations of capital and labor, in that they are laws for the protection of the home, in that they are laws for the prevention of crime, in that they are laws for the protection of one



of the chief historic institutions of the nation, in that they are, in short, laws of national self-preservation.

These planks form a platform on which all who believe in the utility of a quiet Sabbath can stand together in its defense; those who believe it rests for its authority on the church or on natural law, as well as those who recognize it as having also the authority of the New Testament, or of the Old, or of both. How firmly a Unitarian can stand on this platform may be seen from the following letter of Thomas A. Hill, D. D., ex-president of Harvard University: "You must be aware that the Unitarians prefer, first of all, freedom in private judgment, and neither I nor any other man can say, with authority, what the views of Unitarians are. Yet they have been, so far as my knowledge goes (and I have been deeply interested in them for fifty years), nearly unanimous in basing the observance of Sunday upon its intrinsic value and not upon the Fourth Commandment. They have reverently and firmly held that Sunday has been a more blessed day to the Christian Church than the Sabbath was to the Jews. While, therefore, they have deprecated the views and efforts of Sabbatarians, they have with equal earnestness deprecated any opening of Sunday to secular pursuits and mere amusements. For my own part my opinion is very decided and my feeling very strong in both directions—first, for freedom from undue restraint on Sunday; and, secondly, for freedom from anything that could shock or disturb a thoroughly Christian community. I remember the earnestness with which a lovely old Spaniard said to me, 'When I first came to New England I thought your Sunday was a very gloomy day, but now it is the most blessed and joyous day of the week to me.' The doctrine of Roger Williams, that the civil magistrate has no authority over offenses against the first table, is worthy of all acceptance; but it must be interpreted and applied with common sense. The Mormon is not to claim, under it, a right to bigamy and polygamy; nor the railroad and the theater managers a right to run excursion trains and have ball matches and opened theaters on Sunday. The State has a right to protect the morals of the community. It may not punish me for refusing to believe that the observance of Sunday is required by the word spoken on Sinai, but it may and it should punish me if I by any overt act attempt to injure and overthrow the customs of our Christian society, which make Sunday a day of rest from manual labor, and a day appropriated to the teaching of religion and morality. Freedom can not endure without virtue, nor virtue without religion; and virtue and religion are interests too important, even in their effect on social order and civil liberty, not to demand a weekly day of attention to them. The voice of history is emphatic: Make Sunday a holiday instead of a holy day, and you infallibly injure public morality and destroy the safeguards of public liberty."

As the railroad train speeds across the country it stops ever and anon, not merely to take and leave passengers, but also to cool its wheels and to have them examined, that any crack or flaw may be discovered in time to prevent disaster, and that the passengers themselves may enjoy their journey the more by the occasional change and airing. So amid our American life, with all its conflicts, commercial, political, and social, we need to call a pause as often as one day in seven, that our machinery and our animals and our own bodies and minds may rest; that we may start again in our week refreshed by the change, and encouraged by the thoughts and words that have come to us at our sacred resting-places; saved also from perils by the examination which such times allow in our moral life. To give up the Sabbath would be to destroy our national progress with hot boxes of ignorance and vice, and broken wheels of immorality and financial disaster.

History proves that while "a holiday Sabbath," as Hallam has said, "is the ally of despotism," a Christian Sabbath is the holy day of freedom.

Mrs. BATEHAM. I wish, in behalf of the Woman's Temperance Union, to thank you, Mr. Chairman, and all the Senators for your kindness in granting us this hearing.

The CHAIRMAN. There is no one else who wishes to say anything, and the hearing is now closed.

Accordingly, at 4 o'clock and 15 minutes p. m., the committee adjourned.

## APPENDICES.

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### APPENDIX A.

#### ADOPTION BY AMERICAN FEDERATION OF LABOR.

SAINT LOUIS, MO., December 15, 1888.

*Committee on Education and Labor of the United States of America:*

The American Federation of Labor, at its session to-day, adopted the following:

*Resolved*, That the American Federation of Labor is in hearty sympathy with any legitimate movement inaugurated by the American Sabbath Union, the object of which is to lighten the burden of those who toil.

SAMUEL GOMPERS,  
*President American Federation of Labor.*

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### APPENDIX B.

#### SUBSTANCE OF ARGUMENT PRESENTED TO SENATE COMMITTEE BY JAMES VINCENT, SR.

##### VIGOROUS PROTEST AGAINST THE ADOPTION OF THE BLAIR BILLS.

[Chicago Sentinel, December 20.]

May 21, 1888, Senator Blair introduced a bill "To secure to the people the enjoyment of the first day of the week, commonly known as the Lord's Day, as a day of rest, and to promote its observance as a day of religious worship."

The same gentleman also introduced May 23, 1888, a joint resolution, "Proposing an amendment to the Constitution of the United States respecting an establishment of religion and free public schools."

These measures have aroused the antagonism of our old and highly esteemed friend James Vincent, sr., of Tabor, Iowa, who sent to the Senate committee the following argument, a copy of which he kindly furnishes the readers of *The Sentinel*:

Gentlemen, the first of these measures, known to you as S. 2933, but popularly known throughout the country as the "Sunday law," while it ostensibly proposes to "secure to the people the enjoyment of the first day of the week, commonly known as the Lord's Day, as a day of rest, and to promote its observance as a day of religious worship," it is a direct thrust at, and menace to, civil and religious liberty, and is so intended on the part of those urging on the honorable Senator to push its passage.

The second, or "joint resolution," proposes an amendment to the Constitution of the United States, the first and second sections of which are as follows:

"SEC. 1. No State shall ever make or maintain any law respecting an establishment of religion, or prohibiting the free exercise thereof.

"SEC. 2. Each State in this Union shall establish and maintain a system of free public schools adequate for the education of all children living therein, between the ages of six and sixteen years, inclusive, in the common branches of knowledge, and in virtue, morality, and the principles of the Christian religion. But no money raised by taxation imposed by law, or any money or other property or credit belonging to any municipal organization, or to any State, or to the United States, shall ever be appropriated, applied, or given to the use or purposes of any school, institution, corporation, or person, whereby instruction or training shall be given in the doctrines, tenets, belief, ceremonials, or observances peculiar to any sect, denomination, organ



ization, or society, being, or declaring to be, religious in its character. Nor shall such peculiar doctrines, tenets, beliefs, ceremonials, or observances be taught or inculcated in the public schools."

Gentlemen: I see nothing in the "joint resolution" that I feel called upon to notice at this time saying that clause which I have had put in italics purposely to direct your attention to.

But is it that I object to "morality and virtue" being inculcated in our common schools that I object to the aforesaid clause? By no means. I would rather strongly approve of inculcating them. But they are linked with "the Christian religion," as if virtue and morality could not be inculcated without it, and that is the ground taken by a large number, if not all, of the religious sects called Christian.

I present this argument to you, not so much because it represents my own views, but because I know that the great majority of the citizens of the United States coincide with them, and the only reason why your committee is not overwhelmed with protests against these measures is because comparatively few know that they are before you for your action. It is said there will be presented to Congress petitions containing two or three millions of signatures urging favorable action on these measures.

Gentlemen, if three or four million signatures is all that can be obtained to such petitions, obtained as they have been, silently, so as not to call attention and thereby provoke counter petitions, the agents to whom the petitions have been intrusted must have been very lazy. For, take this nation as a whole, there could be easily obtained ten or twenty million more of signatures to these measures; because it is a fact, the people have been educated not to doubt, or even inquire into, but to do what their religious teachers require of them; but once let them get an inkling of the far-reaching and despotic character and designs of these measures, there would not be one in twenty thousand of the population, the religious population included, who would begin to allow themselves to be drawn into their support. Hence these few boasted millions of signatures have been obliged to be obtained surreptitiously.

I said comparatively few of the entire population are aware that these measures are before you for your action. When I was in Chicago last August I made a specialty of ascertaining, within the limits of my intercourse with the people, to what extent the people were aware of these measures. I not only did not find a single individual that knew of it, but I subjected myself more than once to being regarded as the dupe of some designing person who had seen that I was green enough to be imposed on by such a statement. But when I assured them that the measures were before you, and named the honorable senator from New Hampshire as the promoter of them on behalf of designing men, there was such scorn manifested as words can not express. As I would point the crowded street cars carrying their teeming thousands to the parks, and to men who were working when work was necessary, but would be made a grand offense by ecclesiastical law, and asked how they thought Sunday laws and Christian compulsory education would work in that one city, I will refrain from giving you the epithets that were applied under the impulse of the moment to men who could be vicious enough in the nineteenth century to drive this nation by law back to the experiences of the Middle Ages.

What, then, are the views of the great majority of citizens of this country, whom I presume to represent before you? Simply that the state has nothing whatever to do with teaching "the principles of the Christian religion," any more than it has with teaching the principles of Free Masonry or Odd Fellowship. For how are the "principles of the Christian religion" to be taught unless they are set forth authoritatively? What are the "principles of the Christian religion?" Your committee will see at a glance that these principles will have to be set out in order and authoritatively before they can be taught by law.

Your committee does not need to be informed that in the United States there are several hundred different religious sects, and nearly all Christian. Now, if the principles of the Christian religion can be set out in order so as to gain the sanction and support of all classes of persons who claim to be religious, including freethinkers and spiritualists, I will have no objections to offer, but so long as these are left out, seeing they are as much interested in our common-school system as others are, I must protest against a one-sided or loose statement as to what constitute the "principles of the Christian religion."

It may be urged that free-thinkers and spiritualists are infidels. Granted, and so are all the hundreds of religious sects infidels. An infidel means an "unbeliever;" that is all there is to the term; not necessarily to the Christian religion, but any man is an infidel who is an "unbeliever" in the faith of another. Those who separated from the Roman Church and organized the Protestant Episcopal Church were infidels to the Romish system or faith, and were so regarded by that church. Those who seceded from the Episcopacy and formed the Presbyterian Church were infidel to the Episcopacy, and so on right through. Every sect in existence is "infidel" to the sect from which it seceded and to all other sects, for the reason that they are "unbe-



lievers" of what they believe; that wherein they differ is to them essential to a right understanding of what "Christian principles" are.

It is plainly to be seen then that this "joint resolution," while it apparently seeks to disestablish religion from the state, is the very thing to necessitate a union of church and state, for the "principles of the Christian religion" can not be taught unless they are authoritatively laid down, and there is no authority short of the state that can order such a compendium; hence the union of church and state is necessary before Christian principles can be taught in our public schools. And yet, the measure before you says that no money is to be paid to the support of any schools which teach doctrines peculiar to any sect. Is it not plain in the face of that "joint resolution" that the ultimate aim is to squelch out this vast army of sects, and by compulsion inaugurate another inquisition—a Protestant inquisition?

A few years since my attention was called to a statement made from the pulpit that "our penitentiaries are filled with infidels." I resolved to test its truth or falsehood. I had printed questions in blank form for answers, inquiring as to the number of convicts, their sex, age, education, religious training, and affiliations, and sent one to each executive of the States and Territories, to be placed in the hands of the proper officers to be filled out. The result showed that 90 per cent. of the inmates of our penitentiaries had been educated in the "principles" of the Christian religion, and that, too, in the various Sunday schools, while there were only three infidels out of the many thousands of convicts.

In 1883 Mrs. Dr. Severance stated in a public lecture that there were seven hundred ministers of the Gospel in our State penitentiaries.

With such facts as these, what becomes of the assertion that "morality and virtue" can not be taught aside from teaching the "principles of the Christian religion?"

If "morality and virtue" are to be taught in our public schools, and taught by teaching "the principles of the Christian religion," it is easy to see what necessity there is for an amendment to the Constitution, that there may be an authorized version of Christian principles, with pains and penalties for any departure therefrom, or for advocacy of any principles not authoritatively laid down.

Your committee will not consider yourselves behind the vast millions who can see that the proposed amendment to the Constitution, taken in connection with the proposed education and labor bill, is a direct and bold attack on religious freedom.

The world has had enough of religious persecution and intolerance. An inquisition such as the leaders of this measure must contemplate would be no less arbitrary and ferocious through Protestants than were the leaders of the Romish Inquisition. The system is the same. Roman Catholics claim that theirs is the true Christian system; Protestants claim that theirs is the true Christian system, and we can easily judge how far short a Protestant Inquisition would be of the Romish, by witnessing the despotic power exercised by Protestants so far as power is granted them already. Give them the aid of the state and there would be no end to religious persecutions.

I know not who are urging the honorable Senator to push these two measures, but I shall not be far wrong when I express the belief that they are directly or indirectly associated with what is called the "National Reform" and kindred associations.

Permit me to cite to you a foot-note from page 373 of Gibbon's "History of Christianity." Writing of the Council of Rimini, the one next succeeding that of Nice, the writer says:

"All lovers of truth must regret, whatever belief they may entertain, that the fathers of the early Christian church should thus descend to disgraceful misrepresentation and positive fraud. And this wicked conduct was not the exception in this particular Council of Rimini, but the established, universal custom. Creeds were invented and successfully established by means that would disgrace a modern political caucus. Scriptures were interpolated; authorities were forged; the venal were purchased; the ignorant were cajoled, and this was done in the name of, and for the advancement of Christianity."

Permit me to call your attention to the language of President Seelye, of Amherst College, in the Forum, July number, 1886, if I remember rightly. He says:

"Religious instruction of a people is indispensable to their very existence. The family will not provide the religious instruction needed, and, indeed, can not do it."

Now, mark what he says further:

"The church is confessedly not doing this work, and unless you give it the ubiquity and power of the state the church neither can nor will do it."

If this language does not contemplate a union of church and state, it is difficult to understand what the meaning really is.

But the most remarkable passage in President Seelye's article is that which I have already said looks to religious terror and persecution. He says:

"The state should provide for instruction in the gospels for its own preservation; if the conscience of the subjects approve, well; if not, the state will be cautious but courageous also, and, if it is wise, it will not falter."

I put the important portion of his language in italics.

Did Ignatius Loyola ever use language more clearly betokening religious tyranny than this language of a Protestant president of a college? Give such men but the "ubiquity and power of the state," and to what lengths of usurpation and persecution would they not go?

Such language may be regarded as imprudent. Not at all is it imprudent. When men are advocating religious tyranny, they should be bold and honest enough to advocate just what they think. And I reproduce President Seelye's opinion of what the state should do, because his name stands at or near the head of the leaders of the National Reform Association, the association, if I mistake not, that is urging the honorable Senator to engineer these measures for them, as a means to put in their power to inaugurate a thorough system of religious persecution.

In respect to the Sunday rest, one of the reasons assigned for its necessity is, that those who wish to worship shall be able to do so "without disturbance." Your committee are aware that in nearly all, if not all, of our States and Territories there are already laws protecting from disturbance all who desire public worship. Then why clamor for more laws? It is that the public may be deprived of the only means that multitudes of them have of enjoying themselves, and instead of being permitted to go out to the parks and other pleasure resorts on Sunday, to stop running cars, and then by the aid of oppressive laws, to drive people into churches. That is the literal interpretation of the language "and to promote its observance (the so-called Sunday) as a day of religious worship."

If the clergy are so concerned for the souls of the people, why do they not do as it is said Christ and his disciples did? He told them to go to the people, and went himself, not to come to them. No large salaries did he hold out to them as a temptation to preach, for they were not to own so much as two coats apiece.

Gentlemen, there is something radically wrong in our modern Christian system, and I believe you will second the opinion I here express, that a system of religion that is so weak in itself that it has to invoke the aid of the state to force it on the people is a very poor regenerator, and not much good is to be expected from it at any time or under any circumstances.

In respect to the honorable Senator's connection with these two measures, I express the opinion that he is moved to assist those urging him more out of respect for that confidence which he feels we ought to repose in men of their profession than for any necessity he himself sees for them.

But the very measures themselves and the persistency and the bitter spirit in which they are urged condemn them as being the offspring of men as far removed from sympathy with the panting heart of man for means of progress and improvement, and real intelligence and growth towards a perfect manhood, and a grand and noble citizenship, as the North Pole is from the South.

And in behalf of the toiling millions whose intellectual and moral growth these measures are designed to check by an unsympathetic and tyrannical priesthood, I beg your committee to pause ere you recommend measures fraught with such misery and mischief and persecution as these measures are. And I beg you further, earnestly and respectfully, to stand in the gap and not permit the people of this grand Republic to be driven by force of law one single step in the direction of a religious tyranny.

## APPENDIX C.

### SUNDAY OBSERVANCE.

*Notes of a hearing before the Committee on Education and Labor, United States Senate, Friday, April 6, 1888, on the petitions praying for the passage of legislation prohibiting the running of mail-trains, interstate trains, and the drilling of United States troops on Sunday, and other violations of the Sabbath.*

WASHINGTON, Friday, April 6, 1888.

The CHAIRMAN (Senator Blair). This hearing is called to consider a very large number of petitions, aggregating many thousands, from all parts of the country, and from the best influences in the country, addressed to Congress, praying for legislation against needless Sunday work in the Government service and interstate commerce. The petitions are in triplicate. One, regarding Sunday mails, is addressed to Congress in these words:

"We, the undersigned, citizens of the United States, hereby respectfully petition your honorable bodies to pass a law instructing the Postmaster-General to make no further contracts which shall include the carriage of the mails on the first day of the



week, and to provide that hereafter no mail matter shall be collected or distributed on that day."

The second petition, regarding interstate Sunday trains, is addressed to Congress in these words:

"We, the undersigned, citizens of the United States, respectfully petition your honorable bodies to forbid 'interstate commerce' on the first day of the week by railroad trains."

The third, regarding Sunday parades, addressed as before, reads as follows:

"We, the undersigned, citizens of the United States, respectfully petition your honorable bodies to forbid military drills, musters, and parades of United States cadets, soldiers, and marines on the first day of the week in times of peace, as interfering not only with the soldier's right to the day of rest, but also with his rights of conscience."

Most of the petitions are in these words, and, embracing as they do questions of conscience and of the industrial condition of the people, they have been sent to the Committee on Education and Labor for consideration. They are presented through the efforts of the Woman's Christian Temperance Union primarily and chiefly.

I have here a communication from Mrs. J. C. Bateham, of Painesville, Ohio, who is the national superintendent of the department of Sabbath observance in the National Woman's Christian Temperance Union.

Not being able to be present, she sends this written communication, epitomizing and embodying the substance of what she would like to say to the committee on this occasion if she could be present. I will read the communication. She writes as follows:

*"To the Senate Committee on Education and Labor:*

"HONORED SIR: In behalf of the National Woman's Christian Temperance Union, I have the honor to present to your attention a petition to the Senate and House of Representatives, which is somewhat remarkable.

"It is impossible to accurately judge of the numbers represented by memorials from large bodies, but a careful estimate in this instance shows that upwards of a million of citizens have directly or through their representatives signed the petitions referred last winter to your honorable body for legislation against needless Sunday work in Government service and interstate commerce, and this winter petitions from many thousand more have been added.

"Multitudes of these petitioners have signed their names; the largest share are voters, and are among the most wise and discreet, the most patriotic and influential, of our citizens. The names are worth your study. The legislation asked by so large a portion of our intelligent citizens must be considered by them very important, and in their behalf and in behalf of those who suffer from the present state of things I am instructed to outline the legislation asked and the reasons therefor.

"We ask for legislation in three distinct lines, yet closely connected: For the abolition of Sunday mails, Sunday interstate commerce, and Sunday parades. We ask them all on the broad ground that it is for the best good of our country that the Sabbath be maintained as a day of rest. Doubtless the largest share of your petitioners believe, first of all, that we are bound so to maintain it because God commands it, and His commands are disobeyed at our peril, but we confine ourselves to asking it on humanitarian grounds.

"History teaches that the most prosperous nations are those that regard the Sabbath. Science and physiology add their testimony that man's physical nature needs one day in seven for rest. It is the eminent French political economist Michel Chevalier, who said: 'Let us observe Sunday in the name of hygiene.' It is a law of body and brain that labor must be followed by rest, and able physicians declare that our business men are suffering greatly, and many of them dropping off suddenly or becoming victims of softening of the brain, from the steady excitement and pressure of business life, and need an enforced rest of one day each week. We ask it in their names and that of their families.

"We ask it in the name of the laboring classes, over half a million of whom are now deprived of their inherent and sacred right to a day of rest and a day for worship because of these three evils that are under Government control. Many of them have earnestly besought of us this aid, and their pleas are pathetic. 'We want a day at home with our families,' say they, 'and we greatly need a weekly day of rest, but we are powerless to obtain it.'

"We consider it the duty of Government to protect the weak, and such are these; they can not help themselves. The right of rest for each requires a law of rest for all.

"Let Government but take the action we ask, and courts and corporations will soon range themselves on the same side. We believe no better step could be taken towards suppression of socialism, riots, and crime than by securing, as far as Government has the power, a weekly day of rest.

"Your petitioners consider Sunday mail entirely unnecessary, since Toronto, Edin-



burg, and other large cities, and even London has discontinued them, and we ask for a law that shall forbid the transportation or distribution of mails on the first day of the week, thus liberating 150,000 post-office clerks from unwilling labor on the Sabbath, giving the enforced rest needed by business men, and throwing the almost unbounded influence of Government in favor of one of the most hygienic and beneficent measures possible, namely, the preservation of the Sabbath as a weekly day of rest.

"We ask, too, for a law requiring railroad companies to move no trains except of perishable commodities on the first day of the week.

"Most of the Sunday railroading is in criminal violation of the civil laws of the States, who are yet comparatively powerless in the matter, because of its character as interstate commerce. It is also a gross violation of the rights of the people to stillness and quiet, especially during the hours of public worship, and its influence is undermining and destroying the blessings of our social, civil, and religious institutions.

"Moreover, it has been ascertained by careful correspondence with railway officials\* that 400,000 railway employes are by the Sunday trains of this country deprived of their Sabbath rights and privileges. For these, our fellow-citizens, bound down by enforced labor without sufficient rest, till our very lives as well as property are endangered because of overtaxed body and nerve as well as by the discontent and bitterness engendered, we appeal for this law.

"Lastly, following in the wake of France and other countries that are in advance of us in such legislation, we ask that cadets, soldiers, and marines of the United States be relieved in times of peace from all military drills, musters, and parades on the first day of the week, thus securing to them their rights of conscience and their day of rest.

"We thank you for this gracious hearing, and being unavoidably detained personally, we are glad to leave the matter in other and abler hands.

"Mrs. J. C. BATEHAM,

*"Superintendent Sabbath Observance Department N. W. C. T. U."*

#### ADDRESS OF REV. WILBUR F. CRAFTS.

The CHAIRMAN. Rev. Wilbur F. Crafts, of New York, will now address the committee on the subject of the petitions.

Mr. CRAFTS. Mr. Chairman and Senators of the committee, I speak in behalf of the petitioners at the request of the efficient Sabbath-observance superintendent whose statement you have heard. We come not as Christians asking for a union of church and state, but as American citizens, asking for the perpetuation of one of our most important institutions, the American Sabbath, to whose protected rest and culture of conscience and hours for thought we owe, more than to anything else, the fact that we are not, like France, a republic "good for this day only," lying uneasily in the crater of a not extinct volcano.

The requirements of religion and the requirements of civil law sometimes coincide. For instance, both forbid murder and incest and thieving, and in most cases needless Sunday toil; but while religion forbids these things as sins against God, the civil law forbids them as crimes against man,

We come to you because you are a committee on education in behalf of what we call the workingman's college. Without the American Sabbath the American voter would be incapable of self-government, like the adult infants of continental countries who are content to take amusement in place of liberty. The hours afforded to the workingman for thought by twenty-one years of quiet Sabbaths are equal to the days for study in a college course. In the reforms of illiteracy which this committee contemplate the influence of quiet Sabbaths (protected on the one hand against the attacks of greed, and on the other hand against the attacks of lust) upon the diffusion of knowledge and the diffusion of conscientiousness can not safely be ignored.

We come to you more especially as the committee on labor in behalf of a million and a quarter of our fellow-countrymen who are held in the Egyptian bondage of sabbathless toil, chiefly through the influence of the Government—the post-office giving an example for the opening of other places of business on the street and the mail-train opening the way for running of other Sunday trains.

Hon. Carroll D. Wright, in his report on Sunday labor in Massachusetts a year or two since, showed from the stand-point of the very master of labor reform that it has no other department more important than the question of Sunday labor. He said to me yesterday, "No man likes to work on Sunday." He is now making investigations on a large scale in regard to railroad work, and especially in regard to the oppression of the health and consciences of the great army of workmen from needless

\* Dr. Rufus W. Clark, of Albany, in The Intelligencer.

Sunday toil. The cutting down of the hours of the postmen—the measure which has already passed the House of Representatives and I suppose is now before the Senate—the eight-hour law for the postal service, is not as important, though we indorse it, as this proposition for a six-day law for postmen. I believe they should have both, but a man can get more rest by having one whole day in every week to be with his family than by an equal reduction of labor scattered through the seven-day round of toil.

William Black Steele, in the March number of the North American Review, shows that the holiday Sunday has more work than play. Recent investigations of the German Government, which had become alarmed at the increase of Sunday work, and was receiving protests from workmen, even from socialists, in regard to this alarming increase—these investigations have shown that even in the factories of Germany 57 per cent. of the employes work on Sunday, and 77 per cent. of those engaged in transportation and trade. It is this work-a-day Sunday which the continental governments are seeking to be rid of, against which we would have our Government take preventive measures, because it is easier to prevent than to repent. This movement is in harmony with the awakening American spirit, whose watchword is, "America for American institutions."

What we ask is that this Committee on Labor (and here I state the whole proposition in brief) shall, as far as the national jurisdiction extends, first among the employes of the Government and then in the wider domain of inter-state commerce, prohibit all needless Sunday work.

Senator PAYNE. Does that include the stopping of the transportation of the mails?

Mr. CRAFTS. Yes. We do not ask all this in one bill; that is, we do not expect it all in one bill. It would hardly be consistent for the United States Government, the largest of employers, while its army of postal employes is required to do needless Sunday work, to prohibit railroad employers to require Sunday work. What would naturally and consistently come first is a bill prohibiting Sunday work on the part or the Government's employes in the mail and military service. This is important not only for the sake of the men, but for the sake of a consistent national example. National laws recognize the Sabbath. Congress rests commonly upon that day. The employes of the Government, except those in the military and postal service, rest on that day; but the Government, by working its postal employes in every State of the Union on the Sabbath, sets an example of Sabbath-breaking which has its influence in the opening of stores and the running of other than mail-trains on the Sabbath.

Senator PAYNE. In what respect does the Government interfere with the observance of the Sabbath except in the transportation and distribution of the mails?

Mr. CRAFTS. I was about to state that the mail train was the first Sunday train. The only Sunday train which the States would tolerate at first were these, which they were compelled to tolerate. On some roads the mail train is to-day the only train that prevents the railroad managers, who would stop Sunday trains altogether, from giving complete Sabbath rest to the railroad employes. It is because of the mail trains that more than 500,000 railroad men have to work on Sunday, besides most of the 105,000 engaged in the mail service itself.

Senator PAYNE. That was not the purport of my question. You say that the Government has control of the mails, but in what other department of industry or labor has the Government any control over the observance of the Sabbath?

Mr. CRAFTS. The Government control extends clearly to the mail and military service, and to the department of interstate commerce, which is just now before Congress, in many forms, so that this appeal for further reform of interstate commerce is quite timely.

Senator PAYNE. What, for instance, is the military service on Sunday?

Mr. CRAFTS. The morning inspection and the afternoon parade.

Senator PAYNE. You claim that those exercises should be omitted on Sunday?

Mr. CRAFTS. Yes. Marching is the soldier's work, and therefore he should be relieved from it. Even at the sanitariums they omit the baths on Sunday because the human system requires a change one day in the week.

Senator PAYNE. How would you apply your principle to the Navy?

Mr. CRAFTS. Of course vessels at sea we do not expect to stop for the Sabbath at mid-ocean. A naval vessel on an ocean voyage would be like other ships at sea; but we would not have coasting vessels of the Navy perform unnecessary work on Sunday.

Senator PAYNE. I do not wish to interrupt you further, except to have you substantially point out one thing. I think, in theory, we are all agreed; but I should like to have you state in what respect, and to what extent, you suppose the Government authority can interfere to stop Sunday work.

Mr. CRAFTS. I am just coming to that. But, first, I wish to call attention to the fact that while Congress passes resolutions in favor of workmen it is the very Pharaoh among employers. I do not know of any class of employes, except those in the postal service, who are worked from thirteen to sixteen hours a day. They have



to leave their babies asleep in the morning and can not return until they are asleep at night, with night watching and Sunday work added to this heavy load. We had in New York what were called "the man-killer cars," the men being required on alternate weeks to work for seven days, eighteen hours per day, including the intervals for meals. Those hours have been cut down to twelve, leaving the Post-Office Department of the United States the dishonor of being the champion "man-killer."

The CHAIRMAN. Will you not mention in what instances which occur to your mind the United States Government is a Pharaoh?

Mr. CRAFTS. I will state the case of my own postman of a few months since. He had to leave his home at half past 5 in the morning to reach the post-office, which, as usual in the city, was half an hour away, at 6 o'clock sharp—a minute's delay meaning a day's wages lost. He got home at 9 o'clock, or a little after. Besides this he had night watching to do in turn, and Sunday work. Do you wonder the man broke down, became intemperate, and was discharged?

I wish to call the attention of Senators to the fact that you are soon to have before you the eight-hour law for postmen, so that immediate action is possible on some of these matters, if they seem to you practical. I refer to the bill recently passed by the House of Representatives cutting down the postmen's hours of labor.

I wish, first, to suggest some improvements in the postal laws, which I am sure you will think practical, as the Postmaster-General did when I called upon him yesterday, hoping that they can be at once put into the eight-hour bill as amendments.

The changes I have to propose in the postal laws are based on correspondence with every State and Territory in the Union. Circulars were sent out three years ago and again recently.

I believe I can show the committee, first of all, that the present postal laws leave too much to the discretion, or indiscretion, of the local postmaster; for instance, in the matter of the Sunday opening of the post-office. I will read the national law in regard to the opening of post-offices on Sunday, that you may see how a coach-and-four or more could be driven through it. This is section 481 of the "Postal Laws and Regulations," which was presented to me yesterday by the Postmaster-General.

"When the mail arrives on Sunday he (the postmaster) will keep his office open for one hour or more"—

Twenty-four hours is "more," and some postmasters so interpret it; our own New York postmaster, for instance, and certain others—

"After the arrival and assortment thereof, if the public convenience require it, for the delivery of the same only. If it be received during the time of public worship, the opening of the post-office will be delayed until services have closed. He need not open his office during the day of Sunday if no mails arrive after the closing of the office on Saturday and before 6 o'clock Sunday afternoon. While open, stamps may be sold to any one applying for them; but money-orders must not be issued nor paid nor letters registered on that day. Delivery on Sunday must not be restricted to box-holders, but made to all who call while the office is open."

Senator RIDDLEBERGER. You have read the United States statute?

Mr. CRAFTS. That is the United States statute as it stands in the volume of "Postal Laws," given me by the Postmaster-General yesterday.

To show the actual interpretation of this loose law, let me tell you what are my reports from various parts of the country. I have letters from the Saint Louis postmaster, the Chicago postmaster, the New York postmaster, the Philadelphia postmaster, and also reports from four smaller cities and towns in most of the States.

Postmaster Pearson, of New York City, in a letter to me, dated April 17, 1884, said:

"One-half the entire clerical and carrier force of this office is on duty during a portion of each Sunday in alternate sections—the superintendents and other officers, myself included, being present during a part of every Sunday. At this office and its branches about 700 persons are employed during a portion of each Sunday. Practically the general delivery of this office is never closed."

In a letter dated March 28, 1888, Postmaster Pearson says of the above:

"The statements are still true, except that somewhat less than one-half the clerical force is employed on Sunday. The total number of clerks and carriers on duty on Sunday is perhaps about 800. All kinds of mail are delivered on call on Sundays. All second-class matter offered is received. Stamps are sold during limited hours at branch offices, and in limited quantities at any time at the general post-office."

Assistant Postmaster Henry Drake, of Philadelphia, in a letter to me, dated April 3, 1888, says:

"There are employed in this office 995 persons. Of this number but 52 do not work on Sundays. Four hundred and thirty-eight work on certain Sundays, averaging, perhaps, one Sunday in three; the average time of work being six hours. Every class of mail matter, except money-order, registered or special-delivery letters, is handled on Sunday. One of the general delivery windows is open the entire day, there being three windows usually open from 9 a. m. to 10 p. m."

Postmaster Judd, of Chicago, in a letter to me, dated March 31, 1888, says:

"Only about 15 per cent. of the clerks connected with this office are off duty on Sundays; that about 50 per cent. of the letter-carriers are off duty on that day, and the general-delivery clerks are on duty on said day from 10.30 a. m. to 1 p. m. All classes of mail matter, with the exception of registered mail, are delivered to those who may call between the hours of 11.30 a. m. and 12.30 p. m. Persons who have lock-boxes and drawers in this office can get their mail at any time on Sundays between the hours of 8 a. m. and 10 p. m., and the clerks in connection therewith are on duty Sundays from about 10 a. m. to 1 p. m."

[From another source we learn that Postmaster Judd has stopped the Sunday sale of stamps.]

Postmaster Riley, of Cincinnati, in a letter to me, dated April 4, 1888, states, in answer to questions, that of 301 employes only 14 never work on Sundays; that the box delivery and general delivery are open from 9.30 to 11 a. m.; that stamps are sold from 9.30 to 11 a. m., and from 6.30 to 7 p. m.; that "special-delivery letters are delivered;" that 25 mails are received on Sunday as against 64 on week days; that mail is not delivered at the branch offices, but only at the general office.

Postmaster Hyde, of Saint Louis, through Assistant Postmaster McHenry, in letter of March 30, 1888, informs me that of the 425 employes in that office, only the 12 in the money-order division never work on Sundays; that 190 carriers and 60 distributors average five hours of Sunday work; that general delivery and box delivery are open from 11.30 a. m. to 1 p. m.

The same contrasts that appear in these offices of the highest grade, my reports show in every other grade. One office opens once, for an hour only; another of the same grade opens twice, for two hours each time. One opens only before the hour of church; another, only during the hour of church. One sells stamps; another of the same grade does not. One delivers special-carrier letters; another of the same grade does not. One works the employes an average of two hours; another, of six.

Senator PAYNE. Our time is very limited, and I suggest that you condense as much as you can, and give us the facts.

Mr. CRAFTS. I wish to make a few points sure, one by one, rather than to speak of many. Those that come further on are the ones you might think, perhaps, the most ideal. Those that come first are the ones that, ordinarily, men would think the most practical for immediate consideration.

Senator PAYNE. It is the practical points we want to have presented.

Mr. CRAFTS. The first point, the one which the Postmaster-General says is practical, and ought to be made a law, is that it should not be possible for any postmaster in this country to run the United States post-office as a rival and competitor and antagonist of the churches. The law allows the post-office to be kept open through the church hours, unless the first mail of the day comes during those hours. If it comes five minutes or more before the church service begins, the post-office can be run, and is run in many cases, all through church hours as the rival and antagonist and the competitor of the churches. We do not believe in "church and state," nor do we believe in state *against* church.

A law forbidding the opening the United States post-office during the usual hours of public worship would remedy this difficulty, and would be better than nothing; but we desire more than this.

The law should also take from the local postmaster the power to keep his employes at work at such hours as would prevent them from going to church.

A new branch superintendent has been sent to one of the branch offices in New York City within a few weeks. The previous superintendent had left the employes free during the forenoon, so that those who wished were able to attend church, the afternoon being sufficient for the work to be done. The new superintendent, partly to be enterprising, partly because he thought the postmen would like to go on excursions on Sunday afternoons, though they had not said so, discriminates against the churches in favor of the Sunday picnics by transferring the Sunday work from the afternoon to the morning church-hour—an instance of what is possible anywhere under our present loose law.

The discretion of the local postmaster is also too great in regard to the amount of Sunday work he can require of his employes. In some offices the amount is double and treble what it is in other offices of the same grade. If the selling of stamps on Sunday can be dispensed with in Chicago, it can be dispensed with everywhere. If special-delivery messengers can be allowed their Sunday rest in Philadelphia, why not in Cincinnati?

The sale of stamps on Sunday and the sending out of carriers with special-delivery letters and parcels (section 658) ought not to be left to the discretion or caprice of the local postmaster, but uniformly forbidden as needless Sunday work.

The individual postmaster now decides whether the special-delivery messenger, who works from 7 a. m. to 11 p. m. on week days, shall spend the same long hours on Sunday carrying parcels at 12 or 15 cents apiece, as an express for law-breaking mer-



chants who keep at business on Sunday. When this practice has become common in one place it will soon become common in all, and when special delivery by carriers becomes common, general delivery by carriers on Sunday will follow almost as a matter of course. Workingmen and humanitarians in Europe are trying to stop carrier deliveries just when we are beginning to have them. Let us not do what we shall want to undo. It is easier to prevent than to repent.

Senator PAYNE. All those minor matters would follow the general proposition. I wish to know whether your reform contemplates the entire suspension of the transportation, distribution, and delivery of the mails on Sunday?

Mr. CRAFTS. We will take a quarter of a loaf, half a loaf, or a whole loaf. If the Government should do nothing more than forbid the opening of the post-offices at church hours it would be a national tribute to the value of religion and would lead to something more satisfactory.

Another point in which the local postmasters, in large cities at least, need restraint. The postmaster of a large city can send out Sunday mails on newspaper trains to scores of surrounding towns where the post-office employes have had Sunday rest, thus making more Sunday work, not only in his own office but in many others. Postmaster Pearson has done this on his own responsibility, as he admits in a letter to me dated April 17, 1884. Doubtless other city postmasters have done the same. The law ought to be changed to make such increasing of Sunday work by local postmasters impossible.

Senator RIDDLEBERGER. Do you not know that the railroad companies hired themselves to deliver the mails, not the postmaster?

Mr. CRAFTS. The postmaster did it, as the letter states, in conjunction with the Sunday newspapers and to share the expense in running their extra trains.

Senator RIDDLEBERGER. I wish to call your attention to the fact that the New York papers are brought into Washington on Sunday perhaps two hours earlier than on a week day, but, as I understand it, because the railroad companies make contracts to that effect, and not the Post-Office Department of the postmaster in New York.

Mr. CRAFTS. My statement is in regard to special Sunday trains for Sunday newspapers. I have the facts directly from the postmaster. I wish to make one more point in regard to lessening Sunday work in local post-offices. I find no one who defends the handling of business circulars and packages on the Sabbath so as to deprive men of their culture of conscience and their hours at home.

Some of the evils I have mentioned might be removed by such a law as is proposed in a "Report from the Select Committee on Sunday Postal Labor," presented to the House of Commons, August 10, 1887, of which I will have copies sent to the committee as far as possible. The committee was appointed because of the numerous petitions to Parliament against the growing evil of Sunday work in the postal service in England. The British have gone a little further than we have in Sunday postal work, and they are trying to get back. The report gives the remedies which the committee recommend:

(1) That the collection, dispatch, and the delivery on Sunday of books, circulars, and printed matter other than newspapers be discontinued.

(2) No man shall be on duty more than alternate Sundays. As in our country, some postmasters kept their men employed seven Sundays in eight and six Sundays in eight and three Sundays in eight, and there was no uniformity. The report also recommends that all the postal employes be relieved from work on alternate Sundays. There, as here, the work had been different in every office from every other, some employes working every Sunday, some seven Sundays out of eight, and some only one in two. The British Government steps in and says, "We are not going to have these distinctions made, not only between postal servants and other servants of Government, but between one post-office and another, and we say that the men must rest on alternate Sundays."

Another recommendation is, that the question whether the post-office of a town or city shall be open at all on Sunday shall be decided by local option.

Senator PAYNE. What has been done in Parliament in regard to this report?

Mr. CRAFTS. This was only on August 10 last. I do not think that this proposed law, with all the Irish business on hand, has yet been passed, but it is recommended by a very strong committee. Such a law as this report proposes would be better than nothing; but we want more than this.

A law covering the points I have already mentioned, it seems to me, would commend itself to every humane and just man; protecting the church services from post-office competition; protecting the employes from being kept at work such hours as would keep them from church-going; reducing the Sunday work by stopping the handling of circulars and packages; insisting that all employes shall rest on alternate Sundays; and leaving it to every town to decide the question of opening the office on Sunday, which would cause a wholesome agitation everywhere of the question of Sunday mails, and so lead, we believe, to the entire cessation of Sunday postal work through a national law.

Senator PAYNE. Would you restrict such an election to legal voters, or would you allow the women to vote?

Mr. CRAFTS. I am in favor of woman suffrage, but this would be decided by the voters, whoever they were, at the time of voting. Perhaps women will have the ballot by the time this comes up for decision, their reform is moving on so fast.

Senator PAYNE. You are in favor of woman suffrage, but would contrive some technicality to keep them out?

Mr. CRAFTS. Oh, no. We ask that the question be decided by the voters, whoever they are.

Now I come to the second division of my discussion of postal reforms, kindred to the first, but perhaps more radical. I believe *the law should restrict the autocratic power of the Postmaster-General*. I like Postmaster-General Dickinson, the present king of the mails, so far as I have seen his record on this matter, but I do not believe that the Post-Office Department of a republic should be an autocracy. It is at present a monarchy, and not a limited monarchy. All over the country there is a great host of people who are under the dictation of the Postmaster-General in almost everything.

Senator PAYNE. To whom would you commit the authority to be shared with him?

Mr. CRAFTS. I would have the Government define more strictly the authority of the Postmaster-General, and make laws which shall limit his power in the matter, for instance, of sending out carriers on Sunday.

In 1828 and 1829 there were 467 petitions from 21 States asking for the cessation of all Sunday work in connection with the mails. ("Sabbath for Man," p. 272.) The predominating sentiment of the nation seemed to be in favor of this humane request. Christians desired the nation's example to be put on the side of Sabbath-keeping, and workmen desired the nation's example to be arrayed against needless Sunday work.

What is the answer which that army of petitioners got from the Postmaster-General, whose powers were then just about the same as now?

He replied in the spirit of a Russian autocrat and in the rhetoric of a Western editor:

"So long as the silver river flows and the green grass grows and the oceanic tides rise and fall on the first day of the week, so long shall the mails of the Republic be circulated on that day."

Senator PAYNE. Who was he?

Mr. CRAFTS. I haven't his name.

Senator PAYNE. His reply was somewhat poetic at least.

Mr. CRAFTS. He was probably a Western man. The whole history of the matter is in this book ("The Sabbath for Man," p. 271), which I shall present to each of the committee. The arguments there used are most of them appropriate to-day.

Senator PAYNE. That was about sixty years ago?

Mr. CRAFTS. The powers of the Postmaster-General have not been essentially changed. But I will get to Vilas in a moment.

Postmaster-General Jewell has the honor, or dishonor, of ordering a Sunday delivery by carriers. He was an excellent Christian man, who thought he was only yielding to the pressure of public sentiment in this matter. One delivery was made in the city of New York. Postmen took letters for ministers to them in the pulpit, in the midst of their sermons, to show the barbarity of their new Sunday tasks.

Thereswep down upon Washington such a storm of protests from the Christian business men of that city against this increase of Sunday postal work that before the second Sunday the order was repealed. But, if we had had for Postmaster-General a man like Assistant Indian Commissioner Atkins, more pagan than his wards, a man with no regard for the rights of Christian citizens, the order might not have been repealed. Not long since Postmaster-General Vilas issued an order that letters and packages bearing special-delivery stamp should be delivered on Sundays as on other days. When a Sabbath association secretary, who is here to-day, came to General Vilas expressing the protest of the Christians of Philadelphia against that order, he was answered, "What I have done, I have done;" and it was only by the aid of the President that the order was changed from a positive requirement that all postmasters in special-delivery offices should send out the special-delivery messengers on Sunday to an absurd permission to each postmaster to do in the matter as he pleased, so that the question whether messengers on duty from 7 a. m. to 11 p. m. six days in the week shall be on duty for the same barbarous and absurd hours on Sunday also, in this age of the telegraph, is left to the caprice of each local postmaster.

Senator PAYNE. You would discriminate between telegraph operators and mail-carriers?

Mr. CRAFTS. It is not a question of discrimination; the question is simply whether any Postmaster-General who chooses to do so shall have the power to order Sunday-carrier deliveries everywhere. What we want in this particular respect is a law that



shall prohibit any delivery of mail on Sunday by carriers. It is bad enough to have the work done in the office, even with the limitations of which I have spoken, but we ask at least (and this is better than nothing) that the law shall protect us against the possibility of any Sunday delivery by any kind of carriers. We want more than this, and I shall now make a full statement of our demand in regard to Sunday mails, which we expect to keep asking for until we get it.

*We ask that a law shall be passed instructing the Postmaster-General to make no further contracts which shall include the carriage of the mails on the Sabbath, and to provide that hereafter no mail matter shall be collected or distributed on that day.* You ask, "What if a letter calling a son to the bedside of his dying mother should be delayed twenty-four hours by stopping mails?" Did you never hear of the telegraph—soon to be the nation's "fast mail?" Such emergency letters, that are now delivered on Sunday, may go by telegraph on Saturday.

Senator PAYNE. Then you do not propose to interfere with the telegraph?

Mr. CRAFTS. I would have it as at Toronto—all telegraph operators resting on Sunday, except a few men at the central office for emergencies—each man's turn for Sunday work coming only once in six weeks or more. As to business letters, some of the most prosperous cities in the world have no Sunday work in their post-offices. I have a letter in my hand recently received from the postmaster at Toronto, a city as widely extended as most of our large cities, though not as thickly populated; a city of 140,000, which has grown as fast as almost any city of our country, and which is second to none in its moral record. There, with all the conditions of a large city, this is the statement, dated Toronto, March 29, 1888, and signed John Carruthers, assistant postmaster:

"No clerk is required to do any work in this office on Sunday. Our office closes to the public at 7 p. m. on Saturday, and is not open again until 7 a. m. on Monday. Consequently no mail matter is delivered on Sunday, neither by carrier nor through the boxes. Our sorters all stop work before 12 on Saturday night and do not resume duty until 12 p. m. on Sunday."

Nothing goes to pieces. The rule gives all an equal chance. No business man can get ahead of his competitor by getting his Sunday mail, and practicing for the insane asylum by Sunday work. All rest, with no loss to any one.

Senator RIDDLEBERGER. Is there not a trouble arising from the fact that there are different State laws regulating banking and other business transactions, such as do not exist in Canada?

Mr. CRAFTS. All those things can be adjusted. You can give them time enough for any changes of that kind. Perhaps Toronto seems too provincial for men who come from larger cities. So let me give you the facts about London:

"Within a radius of 5 miles from the general post-office in London no inland letters are carried, sorted, delivered, or dispatched on the Lord's Day ('Sabbath for Man,' p. 286)."

London rests its postal employés, and yet business suffers no congestion.

Senator PAYNE. Have you seen the statement lately made by authority that London on Sunday is the most immoral and dissipated city in the world?

Mr. CRAFTS. That is due to the liquor drinking; not to the fact that the mails are closed.

Senator PAYNE. In other words, closing the mails on Sunday does not reform the city?

Mr. CRAFTS. Not entirely, but it reforms the men in the postal service. It saves them from the oppression of conscience which makes men ready to go into all sorts of crime.

Senator PAYNE. Do the post-office employés there go to church when they do not have to attend the post-office?

Mr. CRAFTS. A postmaster recently said to me, "When men have to work a part of Sunday they do not usually go to church the rest of the day." I know one cause of this. They are ill at ease in conscience about Sunday work. I never met an engineer or a postal clerk who was not troubled about his Sunday work. His conscience is offended; he feels that he is regularly breaking one law of God, and sometimes thinks he might as well break ten commandments as one. Going to church only fills him with self-reproach in regard to the crime which the Government requires of him, and not being courageous enough to give up his place rather than his sin, he stays away from what would remind him of it; and so those who handle the nation's wealth are almost wholly destitute of the culture of conscience which none need more than they. There is no reason for running a Sunday mail, as you see, not even for business letters. Certainly the Government should not keep its postal employés at work on Sunday for the benefit of the Sunday newspapers. Weekly newspapers do not ask it.

As to Sunday parades, we ask that the Sunday morning inspection and the Sunday afternoon parades shall be stopped because they are infringements of the soldier's right to Sunday rest and also of his rights of conscience. Though the number of our

soldiers is small and the secular duties required of them on Sunday are not very wearisome, we think the nation's example in this matter is important.

Now, a few words about interstate Sunday trains.

In the first place, the National Government is the only power that can accomplish this largest of labor reforms. In Connecticut they have recently emancipated ten thousand railway employes from Sunday toil by a law prohibiting excursions and freight trains on Sunday. No trains of any kind are allowed except morning and evening, and even then the railroad commissioners may allow only such trains as they think are required by considerations of mercy and necessity. They allow milk trains and Sunday newspaper trains, evidently thinking that babes can not live one day without fresh milk nor men without fresh supplies of scandal.

Mail trains are certainly not works of necessity or mercy, but the State has no power to stop the nation's Sabbath-breaking in its borders.

But in these State reforms "the interstate difficulty met them at every point." And so in every State where railroad managers or the State authorities would reduce Sunday work on the railroads they are impeded by the fact that the National Government must co-operate in order to make the reform complete.

I do not speak as a minister on the subject of railroads, but I bring to your notice the statements of railroad men. The whole letters are here in the book which you will have.

In 1883 the president of the Michigan Central Railway, Mr. Ledyard, wrote:

"If all railroad companies competing for the same class of traffic from and to common points were in accord, it would be practicable, to a very large extent, to abandon the running of railway trains on the Sabbath day." ("Sabbath for Man," p. 301.)

The Railway Age says editorially, in the same issue with this letter (May 24, 1883):

"Mr. Ledyard's conviction that he and other railway managers are all committing a fearful mistake in allowing the continuance and rapid growth of this Sunday labor is held, we believe, by the great majority of railway officers, and it is to be hoped that in their perusal and public consideration of the great problems of railway management they will give that serious attention to this subject which its importance demands."

The "accord" by which "the running of railway trains on the Sabbath" might be abandoned can not be secured permanently by any pool or agreement of managers, but only through a national law, such as we have abundant assurance would be welcomed by many railroad managers who lack the moral courage to stop Sunday trains while rival lines continue them.

R. S. Hayes, a railroad president, says:

"Until the proper action is taken by the public in the form of amended laws and revised rulings, relieving the roads from liabilities resulting from the suspension of transportation, a certain amount of Sunday labor must of necessity be performed. ("Sabbath for Man," p. 305)."

Compulsory Sunday rest for all would gratify railroad managers as well as railroad men, with no loss to either.

General A. S. Diven, a prominent railroad man, recently said in the Christian Union of January 5, 1883:

(1) The traffic will be substantially the same per week whether moved in one hundred and sixty-eight or one hundred and forty-four hours. [That is in seven days or six.]

(2) It can be moved in one hundred and forty-four hours.

(3) The extra cost will be fully compensated for by the improved service.

(4) There is no public necessity requiring Sunday service.

In a recent letter to me, General Diven says:

"There is no valid excuse for railroad traffic on Sunday, either for mails, passengers, or freight. Why should not traffic on our railroads rest with all the other business activities? None of the other great interests are paralyzed by resting one day in seven, nor would any follow the suspension of railroad traffic. Is the transmission of mails a necessity? The best and most successful business men I have ever known never open their letters on Sunday. If there ever was a necessity for the Sunday mail service, it ceased with the telegram. If ever there was a necessity for moving perishable articles on Sunday, it has been removed by the refrigerator-car. My article in the Christian Union was intended as a challenge to railroad managers to justify their management. When that challenge is accepted I believe it can be successfully met by men of practical experience."

General Diven shows in detail that even through trains from California need not run on Sunday; that one train every week can go through without interfering with the daylight of Sunday, starting Sunday night and reaching its eastern terminus on Sunday morning; that other trains may stop one day without serious inconvenience. I suggest that this would be no expense to the poor if they were allowed to lunch and sleep in the cars, as they do when the cars are in motion. Those



in the palace cars can usually afford the extra expense of one more night in sleeping berth or hotel. Such a stop is physically needed in a seven days' ride, and necessary in no other, even if it should cause some inconvenience. Thus, to stop Sunday trains, why may not railroad passengers be detained one day for the same reason that steamboat passengers are often quarantined for a fortnight—for the public health. The Senate has now before it an interstate-commerce bill to protect the health of cattle. Why not add another to protect the health of more than half a million railroad men?

Interstate-commerce reforms thus far have been chiefly for the benefit of manufacturers and merchants, protecting them against monopolists, who would use the railroads as battering-rams to destroy their competitors. We ask now for interstate-commerce reforms to protect railroad men themselves against the railroads being used as battering-rams to destroy their health and morals by Sunday work.

Senator Ingalls has introduced a bill, as you know, to extend interstate-commerce reform so as to protect the homes of a prohibitory State against the liquor dealers of a license State. We ask you to go a step further, and protect the employes of the railroads by a labor reform of the first magnitude, relieving more than half a million railroad men from this needless, unhealthy, demoralizing Sunday toil.

The only purpose in running trains on Sunday is to make money, to fatten the bank account of millionaires, already too much favored by our laws. If any work for gain (not also work of necessity or charity) is allowed, in the name of equity all work for gain should be allowed. The law that forbids a poor widow to sell wholesome books on the Sabbath and allows the millionaire to sell railroad tickets is itself a crime—a crime against equity. Anarchy fattens on such injustice.

The plea that these Sunday trains are necessary to carry sorrowing fathers to their dying sons is often urged, but the answer is that it is vastly better for a boy now and then to die without the sentimental comfort of his father's presence, which can not save his life, than that thousands of men should die before their time by seven-day toil and the vices to which Sunday work so often leads.

As to the excuse, "The public demand the Sunday trains," I answer, "The pocket demands them."

Five hundred men with money in their hands, asking for a Sunday excursion, make a "demand" to which a railroad manager is more responsive than the petition of 50,000 citizens against the excursion in the interest of public morality and of the employes, whose cars are cars of juggernaut, crushing health and conscience beneath their wheels.

Every railroad manager and every legislator who is not deaf to the signs of the times must hear in the recent railroad riots a "demand" loud as the roar of Waterloo, not for more Sunday trains, but for none.

How quickly these train men become train wreckers! Recently the rioters only needed a word from the railroad king, Arthur, ordering a general strike of engineers, to enable them to plunge this whole nation into a social and commercial anarchy, of which 1877, and the bomb-throwing in Chicago, and the New York blizzard were but gentle hints.

These men themselves say that their train wrecking and their Sabbath wrecking are closely connected. They feel that having broken one commandment they might as well go through the list.

"When you force a conductor to break the fourth commandment, you must not be surprised if he goes on to break the eighth also," said William E. Dodge to his directors when urging the discontinuance of Sunday trains.

Perhaps you wonder that railroad men do not themselves appeal for Sunday rest. They have done so, and ceased only through despair of results.

Four hundred and fifty engineers of the New York Central Railway a few years ago sent to their master a most eloquent and pitiful appeal for Sunday rest, which will be quoted by one of the other speakers at this hearing.

That plea which greed would not hear, let Congress receive as the appeal of all railroad men. Hon. Carroll D. Wright says that the only railroad men who want to have work done on Sunday are those who do not the work, but only pocket the dividends.

The railroad managers, as I have shown, would many of them welcome a law giving their roads a day of rest. Competition is the only thing which makes it seem necessary to keep their trains going on Sunday. In Canada Sunday trains are allowed to run only on account of American competition, and the strict Sabbath-keepers of the Dominion would quickly stop them when that excuse was removed. The Pennsylvania Railroad has reduced its Sunday trains within a few years, and so have some other roads.

What we want is that this matter shall be taken out of the realm of individual caprice, and that all railroad men shall be equitably protected in their right to Sunday rest, first by the National Government in its realm of interstate commerce, thus removing the chief obstacle to carrying forward the reform in the realm of State laws.

A new king, in attempting to beautify his capital, came to a massive antique build-

ing which did not quite suit his fancy, and so began to tear it down. When a stone or two had fallen he saw uncovered before him the inscription: "These gates with their country stand or fall." Astounded, he withdrew his destroying hand. Let not the nation itself, by its Sabbath-breaking example in the mail and military service, and by allowing Sunday work in its wider realm of interstate commerce, help to tear down the very citadel of morality and liberty, the American Sabbath, built of Sinaiic granite and Plymouth rock, for "These gates with their country stand or fall."

The CHAIRMAN. Other speakers will now be heard by the committee.

#### STATEMENT OF REV. T. A. FERNLEY, D. D.

Mr. CRAFTS. There will be short addresses by other men who are present representing Sabbath associations. I will first introduce Rev. T. A. Fernley, D. D., who represents the Philadelphia Sabbath Association, one of the most vigorous associations of the kind and a citizens' association.

Mr. FERNLEY. Mr. Chairman and Senators, I think since you have heard Dr. Crafts' most exhaustive speech there is nothing for me to say; and I have no doubt that you will be rejoiced to hear me state that I do not intend to say much.

I came here from Philadelphia, the City of Brotherly Love, the Centennial City—the grandest city on this continent, New York not excepted. We claim we have the best regulated city; we claim to have the most orderly city; we claim to have the city where the Sabbath is kept perhaps better than in any other city on the continent, perhaps in the world. Philadelphians never boast, however; but that is about the way we feel.

I could have gotten a petition from almost every leading bank president, bank director, and merchant in the city of Philadelphia, and it would have been as long as from one end of this room to another, but I did not deem it necessary; it seemed to me so self-evident that the Senate would look at this matter just as their fellow-citizens are looking at it, and would act in their best judgment under the rule which says, "Do unto others as you would that they should do unto you." As none of you, Senators, would be willing to give away your seventh-day rest, to tear yourselves from your families—from your wives and your children—for the paltry dollar, why may others do what you would not do yourselves? We in this country have a class composed of hundreds of thousands of men, who are our brothers, of the same blood as we are, who are deprived of this God-given institution.

I am here to-day especially as the representative of the Philadelphia Sabbath Association, which represents all the churches of Philadelphia. I was going to say all the churches, Protestant and Catholic, for I am glad to say that the Catholic Church is with us. Archbishop Ryan some time ago told me that he is cordially with us in the effort to secure a proper and rigorous enforcement of Sabbath laws.

We are not an association of clergymen. Clergymen, you know, gentlemen, are clergymen; they talk like preachers generally, and you can not expect much from them, except preacher talk; but business men are in this association, and they have most cordially indorsed the petitions which are before you.

Our association is forty-eight years old, and it is the oldest Sabbath association, perhaps, in the world. The indorsement on the petition I have here is by the president, Alexander Whilldin, known to some of you; George H. Stuart, the vice-president, and others. The petition has also been indorsed by the ministers of the Methodist Episcopal Church of Philadelphia. But this is not a denominational movement. The Methodists only take part with their brethren and friends. That church represents 100 pastors in Philadelphia, and about 60,000 members. The petition is also indorsed by Hon. Felix R. Brundt, the president of the National Reform Association. I will leave the petition with you, if you please.

The CHAIRMAN. The petition will be formally presented to the Senate.

Mr. FERNLEY. I have nothing to add to what has been said, except that we mean business. We come here not in the name of God so much as in the name of humanity. We present our appeal upon that foundation. It is the God-given right of man, the natural inheritance of man, to have one day in seven as a day of rest.

If we could read the history, not written, of the innumerable accidents, the casualties on our railroads, the catastrophes that send human beings, wholesale almost, into eternity, it would be seen that in the great mass of cases it is because of the overworked engineer and the overworked switchmen, bound to be at their posts seven days in the week, until the brain is dazed and the whole system is collapsed. Yet human life is intrusted to them when they are in a condition so unfit. It is not necessary to speak to Senators of the United States in regard to the matter, for you know that it is the law of nature as well as the law of God that labor shall have its appropriate rest, and the seventh-day rest is demonstrated to be the proper proportion.

I leave this matter with you, gentlemen. In the name of those I represent I do most earnestly thank you for the kind hearing you have granted us.



It was my privilege some months ago to approach the President of the United States upon the question of the delivery of special letters on the first day of the week. The President made this remark: "I appreciate the necessity of absolute, periodical rest." We all appreciate it, and I believe that you gentlemen, in your Senatorial capacity, will act according to your best judgment. If you can not do all we ask, in the name of God and humanity do as much as you can. If you can not give us the maximum, give us the minimum. If you can not absolutely abolish the delivery and the carrying of the mail and the running of trains from one State to another on Sunday, give us the greatest possible minimum, so that men may rest according to the laws of God and the constitution of their nature.

### STATEMENT OF REV. G. P. NICE.

Mr. CRAFTS. Rev. G. P. Nice, of Baltimore, representing the Maryland Sabbath Association, will now speak a few words.

Mr. NICE. I will say, Senators, as did my predecessor in his remarks, that our first speaker covered the ground so fully, so graphically, so emphatically, that there really appears to be little occasion to detain you longer with this hearing.

I thoroughly indorse what Mr. Crafts has stated regarding the dissatisfaction of the laboring people, oppressed as they are by being practically robbed of their rightful weekly rest-day. They, of course, can not come here and enter their complaints in person. Even when spoken to at their duties they seem to fear a danger in expressing their feelings in the matter of Sunday work. It may appear to some that the great mass of them are quite indifferent as to whether they work on Sunday the same as on any other day.

I have been told that the great aim is to get good pay for their work, and if they get double pay for Sunday work they are as willing to work on that day as on any other, etc. But I had occasion to meet with a gentleman some years ago, most largely interested in railroad operations, who said to me, "I have been so many years"—it was over a score—"in the control of men, and during that time I have had, I suppose, thousands of men to work under my direction, and of all that number I have only known two who seemed to have no concern about the day of the week on which they worked." He said they were unwilling to work on the Sabbath unless they felt they were compelled to do so, and it made them unhappy with their business when they had to work on that day.

Sometimes men who have been trained in immoral habits, we will say, indicate no compunction of conscience in other matters; they will profane the name of God flipantly, not thinking what they do; but while they will do that, it is remarkable that as a rule their conscience does shrink from the idea of deliberately setting about a secular task on the Sabbath day. If they think at all about it they shrink from it. That fact is worthy of note.

The Sabbath law is written in nature. The moral law of the Sabbath seems to be very clear wherever there has been sufficient light to instruct men regarding its value and its demands. We are all aware that the great interest which claims the attention of the State is the interest of the masses. We are concerned for the masses, and we are aware that the masses have to struggle for their living day by day. We have no question but that the Great Father at the first, with His wide vision, beheld the masses in these days as well as in others, and that that great heart throbbed with regard for the masses who would be down in the battle of life six days in the week, at least, when he said:

"Remember the Sabbath day to keep it holy. \* \* \* In it thou shalt not do any work."

And God said he would give the laboring man a holiday rest on that day. If God said he shall rest, who has a right to rob him of that rest?

I am verging on the religious aspect of the question, but the religious aspect of the question, you observe, gentlemen, goes in close companionship with the secular aspect of the question, with the question of safety of person, safety of property, safety of life, and of everything that is good. Yet railroad employes may be kept at work seven days in the week, as the engineers sometimes are; and I am told as a train stops at stations as they rush along on Sunday or any other day, the fireman or engineer asks some one, "What day is this?" They had forgotten the day; they are mixed up; they are bewildered as to the days of the week.

But I ask you, gentlemen, is it the part of those who control such operations to allow these men to be kept in circumstances and in services which are contrary to the very constitution of their brains. Men must rest to become cool, to become liberal. You recollect that when Burke wrote to the member of the National Assembly in Paris which did so much mischief, he said, "You, by continuing your sessions all night, burn out your candles and deliberate in the dark." The mind, the brain, must

be preserved in order to understand clearly what is the duty of the hour and of the moment.

Are not these railroad men continually the custodians of life and property? We have heard of the number of these workers being 400,000. Ah! how many more than that there are, if the case were well understood. These men have in their charge those things which are more precious than gold. Upon their fidelity and watchfulness depend the life and the limb of the passengers. They need to be ready for any exigency. They need to know how to apply the best remedy for disaster as well as to avoid disaster. Can we wonder that there is so large a proportion of railroad property destroyed, and that so many lives and limbs are lost when life and property are under the control of those who have not the legitimate and proper opportunity of resting the mind and correcting the understanding?

This question goes practically to the very interest of the masses, the safety of the masses, the health, the life of the masses; and you will observe that it comes right in connection with the release of men from that kind of oppression which treats them as if they were not possessed of conscience, as if they were a lower order of animals, as if they were to come just at the bidding of their masters, and be allowed only such rest day as should seem most consistent with those who are managing these great concerns.

Therefore I, as a humble citizen, if with no other object, feel that it is becoming in me to stand up for the reduction, particularly of railway work, to which I am directing my thoughts and aiming to direct your attention. I feel that one of the first and most important things is to allow railway employes the rest-day, to be with their families, to be at their churches if they please, to be in quiet, and to be employing their time in that way which would endear them to their families, endear them to society, endear them to their business, and make them feel not as a sort of criminal in following the railroad business because they have to work on Sunday. They feel that it is wrong, and they should be made to feel that they are men of proper moral sentiment; that they are regarded by their fellow-citizens as reliable men, as honest men, as good men, and thus cheered, with life brightened in their hopes and prospects and feelings, they will become more effective in the service of the public as well as of the companies themselves.

I have had an opportunity to speak with very many railroad employes quite recently, and their united testimony is, "Oh, yes; if I had my Sunday liberty I would not care." As the locomotive employes of a great railroad king some years ago said, "We are willing to work every day and at night, but only allow us our rest day," and they went on to give reasons for asking that.

It should be realized that this movement is not merely the application of certain persons who would be conspicuous in what they regard as a humanitarian effort or otherwise; that it is not merely as advocates of the laboring people, as that is apparently now rather a popular theme, that this legislation is sought, but that it arises from the fact that these men cry to us as they do for such regard, as they can not come in their own person and stand. They can hardly whisper so that it would be heard. Some of them have spoken to me with great modesty about this movement, and in an undertone they have said:

"Now, it would not do for us to say anything, because there are competitors; others would be glad to take this position; and if we were to be understood by any of those who employ us as being unhappy or at all dissatisfied we would soon have to go, and we do not know what else we could do for our families; we have no trades; we have no opportunity besides this to earn a living; we want to maintain our families honestly, and we want to do that which is regarded as honest at least."

Without multiplying my words and occupying your time upon the theme which has already been so well covered, as I remarked, which you have had the kindness to listen to so courteously, and for which, of course, every one must accord his grateful recognition, I will conclude by stating the simple fact that the Sabbath is well called the bulwark of religious and of civil liberty. As we maintain it, we give men opportunity to learn their duties to their God and to their fellow-men. As we sustain the Sabbath, we give them the opportunity to reflect and to increase their moral knowledge as well as other knowledge. As we maintain it, we give them to feel that they are men; that they are not serfs; that they are not creatures of an autocrat.

You will recollect the occasion when the Sabbath was occupied in a grand parade, and a great autocrat was most unexpectedly plunged into the very jaws of death, brought about by dynamite, soon to close his eyes upon earth. No, these are not serfs. These are not as men having no conscience and no families, with no rights; but they are our fellow-citizens. They are men employed at work with the breast to dauger.

I certainly have a right to speak in behalf of the railroad men. Thousands of miles have those engineers stood right in the front of danger when I have been among the passengers. You, gentlemen, have experienced the same. I therefore say with great



respect I feel that your interest in this matter is such that it needs nothing further from us.

Senator PAYNE. Let me inquire, is this effort at reform in the observance of the Sabbath to be confined to the limit of postal deliveries or even the transportation of the mails? My observation is that that is only a very small item of interruption of the Sabbath. What are you going to do with the street railways?

Mr. CRAFTS. We want the National Government to lead the way in securing a more restful Sabbath by doing what it can in its own realm to stop needless Sunday work.

Senator PAYNE. Let me finish my statement. Thousands of the best Christian people I have ever known ride upon the street railways on Sundays in going to and returning from church. Where people drive to church on Sunday the coachman is kept on duty as on every other day. Instead of living economically as they do in Boston, on beans and roast potatoes on Sunday, they have their splendid dinners and a whole corps of servants to wait upon them. It seems to me that is as much a violation of the peace and order of the Sabbath as the delivery of the mails.

Mr. CRAFTS. The point we make is that the Government should take the lead in these reforms. We would sweeten the river by salting the springs. The nation is now the chief Sabbath-breaker. The Congress of the United States sanctions Sabbath-breaking by its laws allowing Sunday work by its employés in the mail and military service. As to horse-cars and Sunday coaching, Toronto is a practical answer. There the drivers both of cars and coaches share the general rest. People walk to church and are all the better for the exercise. ("Sabbath for man," p. 393 ff.)

The CHAIRMAN. What is the population of Toronto?

Mr. CRAFTS. One hundred and forty thousand; but it is an extensive city.

Senator PAYNE. It is not so extremely lovely in a moral way in Toronto as might be supposed. I have been there myself.

#### STATEMENT OF REV. YATES HICKEY.

Mr. CRAFTS. Rev. Yates Hickey, the secretary of the International Sabbath Association, will next address the committee, and he will be followed by the pastor of the Foundry Church of this city, who is the author of a book on the Sabbath, and perhaps, of all pastors in this city, is the one who has given this subject the most special attention. Mr. Hickey will speak for a few moments and then Mr. Elliott will close.

Mr. HICKEY. Mr. Chairman and Senators: I have a document here which contains in print much that has been said. The International Sabbath Association had the origination of the petition which I hold in my hand in its original form. It was originated here in the Post-Office Department when Mr. Key was Postmaster-General, and it has been approved in form by all the Postmasters-General since.

I wish to say simply in outline (and I shall not take the time to fill up) that the object of the association which I represent, which occupies as its territory the United States and Canada, for the sake of co-operation in this very matter of international trains, is, first, to secure by concert of action among owners, managers, employés, and patrons the reduction of the running of Sunday trains by all lines of travel and transportation to the limits of necessity and mercy; second, to secure within the same limits the observance of the Sabbath by the general and local governments in every department of the public service. This action has been contemplated and in large part practically worked out in the last fourteen years. I am glad that Mr. Crafts has been so full and exhaustive in the outline, which he has not had time to fill up, covering all the points, to which I will simply call attention again by way of affirmation.

I will first state that railroad managers would welcome restraining measures on the part of the Government for economic and other reasons. I will tell you why I know this to be the case. It has been in God's providence my privilege to work so as to secure the confidence and co-operation of railroad men in respect to a very great evil, namely, the vicious character of the news department.

That led me to the inquiry, reciprocally, as to what could be done to restrict Sabbath traffic. Oftentimes a man would say, "Now that you have helped us about this nuisance in getting it out of our way and making our road clean and pleasant for passengers, what do you think about Sunday running?" I gave my views because I had them. "Well," he would say, "count me in on that," or he would make some other characteristic remark such as a railroad man might use. I would say, "Mr. So-and-So believes in the same thing you do." Says he, "I am surprised to hear it." I say, "He will be surprised to know that you think as he does." They have not had time to confer on the subject. Their views were the same, that they were suffering personal oppression, and they were sympathizing with their fellow-employés,

but they were busy with other matters; they were set to earn a certain number of dollars, so as to make the largest possible dividend, with almost no regard to any other result. But the present president of the Pennsylvania Railroad Company said to me in regard to the Sunday question, "We want every wheel stopped on Sunday on financial ground alone." That was when he was vice-president, in the auditor's department. He said, "I want you to go among our directors and organize a sentiment so that they may help us officers."

Reference has been made to Mr. Ledyard's letter. I wish Senators would take that letter and read it in full. I want no better, no sounder arguments. It is from a leading man in railroad management to-day. The letter is as follows:

MICHIGAN CENTRAL COMPANY,  
Detroit, Mich., May 14, 1883.

*To the editors of the Railway Age:*

I have your letter of May 11, relative to the action lately taken by the president of the Louisville, New Albany and Chicago Railway Company, in ordering the suspension of all trains upon the Sabbath, and note your request that I shall reply to certain questions as stated in your letter.

(1) If all railroad companies competing for the same class of traffic, from and to certain points, were in accord, it would be practicable to a very large extent to abandon the running of railway trains on the Sabbath day. The chief difficulty is that in these days of sharp competition time has become such an important element that if one railroad company should voluntarily cease its traffic for one day during the week, while others continue, it would lose largely thereby. Yet, for example, were each of the trunk lines to absolutely refuse to exchange traffic of any kind with their connections from 6 p. m. Saturday until Monday morning it would be a simple matter for these trunk lines, as well as for their western connections, to so arrange the movement of traffic as to practically do away with the running of Sunday trains.

(2) There is no question as to the desirability of prohibiting Sunday work on railways. The law of nature, to say nothing of the higher law, requires that men should have rest one day in seven. Is there any reason why a railroad engineer or conductor is not entitled to his rest as much as a merchant or manufacturer?

(3) This company has endeavored to so arrange the runs of its trainmen and engineers as to bring them home on Sunday; but little can be done in that direction without the concerted action on the part of all companies interested in the same traffic.

(4) I do not believe at the end of the year the loss in traffic would be appreciable were all Sunday work stopped; and, in the better morals of the men, the railway companies would be abundantly paid for doing away with the work on this day.

(5) While the public would no doubt at first be dissatisfied at the cessation of Sunday work, and would claim injury thereby in the matter of detention to freight and delay to mails, it is difficult to see how much injury could really exist were the practice of doing away with Sunday work made uniform on all roads. As an example, at one time it was thought necessary for each one of the Omaha roads to run a train from Chicago Sundays; after awhile this was changed so that a train left each Sunday on one only of the three roads. This caused at first some dissatisfaction, but it soon passed away, and the result of the experiment, so far as I have been able to learn, was entirely satisfactory.

Looking at the question from either a moral or economical stand-point, no candid person can uphold the running of trains on Sunday. What is there in the essence of a railroad company different from any other business which will require an exception to be made of it and its employes to work when others are allowed and expected to rest?

The effect of this constant and never-ending work is not only injurious to the men themselves but most deplorable to their families. If it is true, as Lord Bacon says, that a man who has a family has given a hostage to fortune, it is equally true that he should be allowed to live at least part of his time with those for whom he has to care, and certainly should have at least one day in every seven, which under our system of railway labor he can not have, to devote to his own family and private matters.

To bring about a cessation of Sunday work now would be much less difficult than it would have been a few years since. All over the country railway companies are grouping themselves into associations for the exchange of traffic, the maintenance of rates, and the better carrying out of agreements, such as, for example, the trunk line committee, the joint executive committee, the Southwestern Railway Association, and many others. If these companies can come together on short notice to arrange for any and all questions of mutual interest, it would be a simple matter, were this question of Sunday work properly considered, to bring about a reform in the same.

I am glad you have taken the matter up, for I believe if it is presented to our managers in its best light, whether from a moral or economical stand-point, a few mo-



ment's reflection will show to each of them that we are all committing a fearful mistake in allowing the continuance and rapid growth of this Sunday work.

Yours, truly,

H. B. LEDYARD,  
*President.*

Reference has been made to the petition of Vanderbilt's engineers. A more thorough paper, coming from the workmen's stand-point, I never saw.

The CHAIRMAN. Have you a copy of the petition?

Mr. HICKEY. It is here in Mr. Craft's book, "The Sabbath for Man."

The CHAIRMAN. We should like to have it appear in the record.

Mr. HICKEY. I will give it from Mr. Craft's book. It is as follows:

"A few years since some 450 of his locomotive engineers petitioned Mr. William H. Vanderbilt for 'the cessation of Sunday labor.' After pointing out how Sunday running had become 'a great hardship,' they continue: 'We have borne this grievance patiently, hoping every succeeding year that it would decrease. We are willing to submit to any reasonable privation, mental or physical, to assist the officers of your company to achieve a financial triumph; but after a long and weary service, we do not see any signs of relief, and we are forced to come to you with our trouble, and most respectfully ask you to relieve us from Sunday labor, so far as it is in your power to do so. Our objections to Sunday labor are:

"(1) This never-ending labor ruins our health and prematurely makes us feel worn out like old men, and we are sensible of our inability to perform our duty as well when we work to an excess.

"(2) That the customs of all civilized countries, as well as all laws, human and Divine, recognize Sunday as a day of rest and recuperation; and notwithstanding intervals of rest might be arranged for us on other days than Sunday, we feel that by so doing we would be forced to exclude ourselves from all church, family, and social privileges that other citizens enjoy.

"(3) Nearly all of the undersigned have children that they desire to have educated in everything that will tend to make them good men and women, and we can not help but see that our example in ignoring the Sabbath day has a very demoralizing influence upon them.

"(4) Because we believe the best interests of the company we serve, as well as ours, will be promoted thereby, and because we believe locomotive engineers should occupy as high social and religious positions as men in any other calling. We know the question will be considered: How can this Sunday work be avoided with the immense and constantly increasing traffic? We have watched this matter for the past twenty years. We have seen it grow from its infancy until it has arrived at its now gigantic proportions, from one train on the Sabbath until we now have about thirty each way; and we do not hesitate in saying that we can do as much work in six days, with the seventh for rest, as is now done. It is a fact observable by all connected with the immediate running of freight trains that on Monday freight is comparatively light; Tuesday it strengthens a little, and keeps increasing until Saturday, and Sundays are the heaviest of the week. The objection may be offered that if your lines stop the receiving points from other roads will be blocked up. In reply, we would most respectfully suggest that when the main lines do not run tributaries would only be too glad to follow the good example. The question might also arise, If traffic is suspended twenty-four hours, will not the company lose one-seventh of its profits? In answer, we will pledge our experience, health, and strength that at the end of the year our employers will not lose one cent, but, on the contrary, will be the gainers financially.

"Our reasons are these: At present, the duties of your locomotive engineers are incessant, day after day, night succeeding night, Sunday and all, rain or shine, with all the fearful inclemencies of a vigorous winter to contend with. The great strain of both mental and physical faculties constantly employed has a tendency in time to impair the requisites so necessary to make a good engineer. Troubled in mind, jaded and worn out in body, the engineer can not give his duties that attention they should have in order to best advance his employers' interests. We venture to say, not on this broad continent, in any branch of business or traffic, can be found any class in the same position as railroad men.

"They are severed from associations that all hold most dear, debarred from the opportunity of worship, that tribute man owes to his God; witnessing all those pleasures accorded to others, which are the only oases in the deserts of this life, and with no prospect of relief. We ask you to aid us.

"Give us the Sabbath for rest after our week of laborious duties, and we pledge you that, with a system invigorated by a season of repose, by a brain eased and cleared by hours of relaxation, we can go to work with more energy, more mental and physical force, and can and will accomplish more work and do it better, if possi-

ble, in six days than we can now do in seven. We can give you ten days in six if you require it, if we can only look forward to a certain period of rest. In conclusion, we hope and trust that, in conjunction with other gentlemen of the trunk lines leading to the sea-board, you will be able to accomplish something that will ameliorate our condition."

All those matters are pertinent to-day, and they will remain pertinent as long as the human race stands.

I refer again to the fact that our petition was formulated in great part in the Post-Office Department here, and that it has been thus far approved by the Postmaster-General. I saw Mr. Dickinson for the first time this morning, and I hope to secure his thorough approval of the matter.

Sunday mails and Sunday trains go further than has been suggested; they encourage evil habits in our people. I was in the directors' room of the Pennsylvania Railroad for an hour and a quarter with the committee on incidental business, to whom the president referred this matter for action, and which resulted in the calling of a conference of the four trunk lines. That conference was about to be held when the disturbance of the Baltimore and Ohio with the Pennsylvania road took place and interrupted the matter. This makes me say again that the railroad men would welcome pressure from the Government in order that such interruptions and delays might not occur, so that it would not be a mere matter of personal taste with them whether they would come together and confer or not, because when they are at loggerheads on business matters they are compelled to run Sunday trains in competition.

In the progress of my work for the International Sabbath Association, to ascertain whether a cessation of Sunday trains would be feasible, I went to see the Postmaster-General; I went to see the President; I went to see Colonel Scott; I went to see Mr. Jewett, of the Erie road; I went to see Mr. Vanderbilt, and others. I told them that it would be feasible if the roads would only unite in making the reform; that it would be a saving to them; and yet they keep on running these trains at a loss. Colonel Scott asked me what kind of a law I proposed to bring to bear upon them. I said, "The divine law, sir." He asked me what kind of an organization we would require. I said, "Nothing but a committee to get you to attend to your own business." He said, "We can not do anything; and about that divine law, I am afraid I am not as familiar with it as you are." I replied, "The divine law is simply this:

"If thou turn away thy foot from the Sabbath, from doing thy pleasure on my holy day; and call the Sabbath a delight, the holy of the Lord, honorable; and shalt honor Him, not doing thine own ways, nor finding thine own pleasure, nor speaking thine own word: Then shalt thou delight thyself in the Lord; and I will cause thee to ride upon the high places of the earth, and feed thee with the heritage of Jacob thy father; for the mouth of the Lord hath spoken it."

He said, "Our people are making no dividends." I said, "There are dividends in it, for the Lord said, 'I will feed thee.'" He said, "That is what the stockholders want, for there is no such wreckable and destructible property in the world as railroads;" and we all know that to be the case from the experience in 1877 and other experiences which we have had.

Our association have always labored and will continue to labor for a Christian Sabbath, for it alone can bind the conscience of men. This conference is now on the tapis between the four great trunk lines, but there is something more than that needed.

There is something needed through the action of this committee and the Senate and the Congress of the United States to bring about a reform in the matter of Sunday mails, for that question is so dovetailed and interlinked with the question of Sunday railroad trains that it is impossible to separate them. Mr. Green, who is the contracting party of the Pennsylvania Railroad with the Government, said to me, "What are you doing about the Sunday mail?" I said, "We are doing all we can." I knew he was opposed to our doing anything. Said he, "You will make a muss of it; you are trying to do too much." But finally, after I told him what Mr. Cummings, the president of the Girard Bank, said, he replied, "I never thought of that; I guess it was so near my nose I did not see it. All right, give me your hand; I am going down to Washington Monday. These papers will come before the Postmaster-General, and perhaps we will save money by it."

This question of Sabbath observance, which was tabooed ten years ago and nothing said about it except by a sneer, which was relegated to the corner, has been brought out until it is the foremost subject in economics and in morals in this country to-day, and it is well worthy of your attention. So, with the utmost respect and great thankfulness of heart to you, Mr. Chairman and Senators, for this hearing, I will simply reiterate the prayer offered every day for this good work, trusting to Him who doeth wondrous things—that is, our blessed Lord, "who knoweth whether thou art come to the kingdom for such a time as this."



## STATEMENT OF REV. GEORGE ELLIOTT.

Mr. ELLIOTT. Mr. Chairman and Senators: I have but little to add to what has been said. The last words of Mr. Hickey, I think, should be in our thought, that just at present there is doubtless a larger interest in the question of the revival of the Christian's Sabbath and its stricter observance than ever before. Those of us who are acquainted with the theological side of literature know that in the last half dozen years more books have been written and there has been more stimulation of thought among Christian people with regard to the obligation of the Lord's day for observance, and also with regard to questions connected with legislation on the subject, than ever before.

As to the relation of the regulation of the public service to the general question of a larger observance of the Sabbath by the people, I wish to call the attention of the committee to the fact that in the earliest legislation on the subject, in the Roman legislation, the observance of the Sabbath began by making it a *dies non* in public matters only. The first law of Constantine allowed agricultural labor, possibly partly because the pagan population were pagans; but, as we find in the Roman Institutes, the principal prohibitions of the earlier laws related simply to the public service, to the courts of justice, to the issuing of summonses, and to all the departments of the government. From the very beginning, Sabbath observance commenced with the recognition by government in all public matters of the Sabbath day.

There is another phase of this question which I should like to have rest on your thought, that you may consider it further in committee with reference to legislation. I felt happy, in looking upon the members of the committee, to believe that there is a considerable amount of Puritan blood represented in it. In the Senator from Iowa (Mr. Wilson) I am sure I see traces of Scotch-Irish ancestry, which I am proud to boast, and in the other members of the committee I am sure there is much of the spirit of the Anglo-Saxon and the feeling of the Puritan. Our country has been drifting, I believe, away from its Saxon traditions.

It has been, more or less, in later years, in its social manners and customs, modeled after the nations of the Continent of Europe. Now that the American spirit has revived, there is no institution which is so vitally connected with the genuine Puritan spirit which lies behind all ordered liberty, which lies behind all calm self-government, as the Christian Sabbath, the weekly day of rest.

This is an economic question as well. Mr. John Stuart Mill, who certainly had no prejudice in favor of religious observances, declared as an economist that laborers must get the same pay for seven days as for six. The discussion of the limitation of the hours of labor to ten and eight hours has always been closely connected with the question of Sabbath-day's rest. In a debate in the English House of Parliament Lord Macaulay distinctly connected the two questions, and declared, what I believe to be true, that this day of rest among English-speaking peoples, observed more strictly true than elsewhere among the peoples of the globe during all the centuries past, has not been a lost day, but a day gained.

David Hume, in his "Essay on Luxury," says that he would not expect the production of a yard of cotton cloth in a nation where ethics had been neglected or forgotten. It can not be expected that a nation will have large economic prosperity which does not observe the Sabbath, because the larger tastes and the higher refinements and the more complex interests of civilization which lie back of economic prosperity are connected with moral feelings and moral sentiments and moral aspirations. I thank you, gentlemen, for the hearing you have given us to-day.

## STATEMENT OF MRS. CHARLES ST. JOHN.

Mrs. ST. JOHN. Mr. Chairman and honorable members of this body, after due consideration of the fatal influences upon the physical, mental, and spiritual nature of man, owing to the deprivation of rest on the Sabbath day, there appears another serious question to my mind worthy the attention of this honorable committee.

Our Government being a government of the people, by the people, and for the people, must needs watch with great care the insidious influence that reaches the common people with a tendency towards educating a laxity of respect for the constitutional law, or in sustaining a fundamental principle founded on God's law and recognized by the Constitution of the United States.

If the governing power be careless in sustaining law, does it not weaken the respect for all law by the power that creates the Government? To illustrate this point, take the promiscuous crowd of strangers from foreign shores who come to America without knowledge of our common laws. How shall we be able to educate them as law-abiding citizens, and to shun all violence against law, especially riots, or even

anarchism and communism, when at the same time one of our most sacred laws, granting protection to the institutions of this country, is continually violated by the governing power and the people?

The privilege granted through State to municipal power of desecrating the Sabbath in open sales of liquor in several States is one point of argument made against all law by the anarchists themselves, that the American citizen does not have respect for Sunday law, or else he would not grant the violation of State law to such extent.

Take the rising man in embryo—the boy of to-day. How shall we be able to teach him that the law for protecting the purity of the ballot-box must be enforced and respected, while at the same time another law, even more sacred, may be continually violated with impunity?

Would there not be an evil tendency to construe to the mind of foreigner or American boy that all law was not sacred?

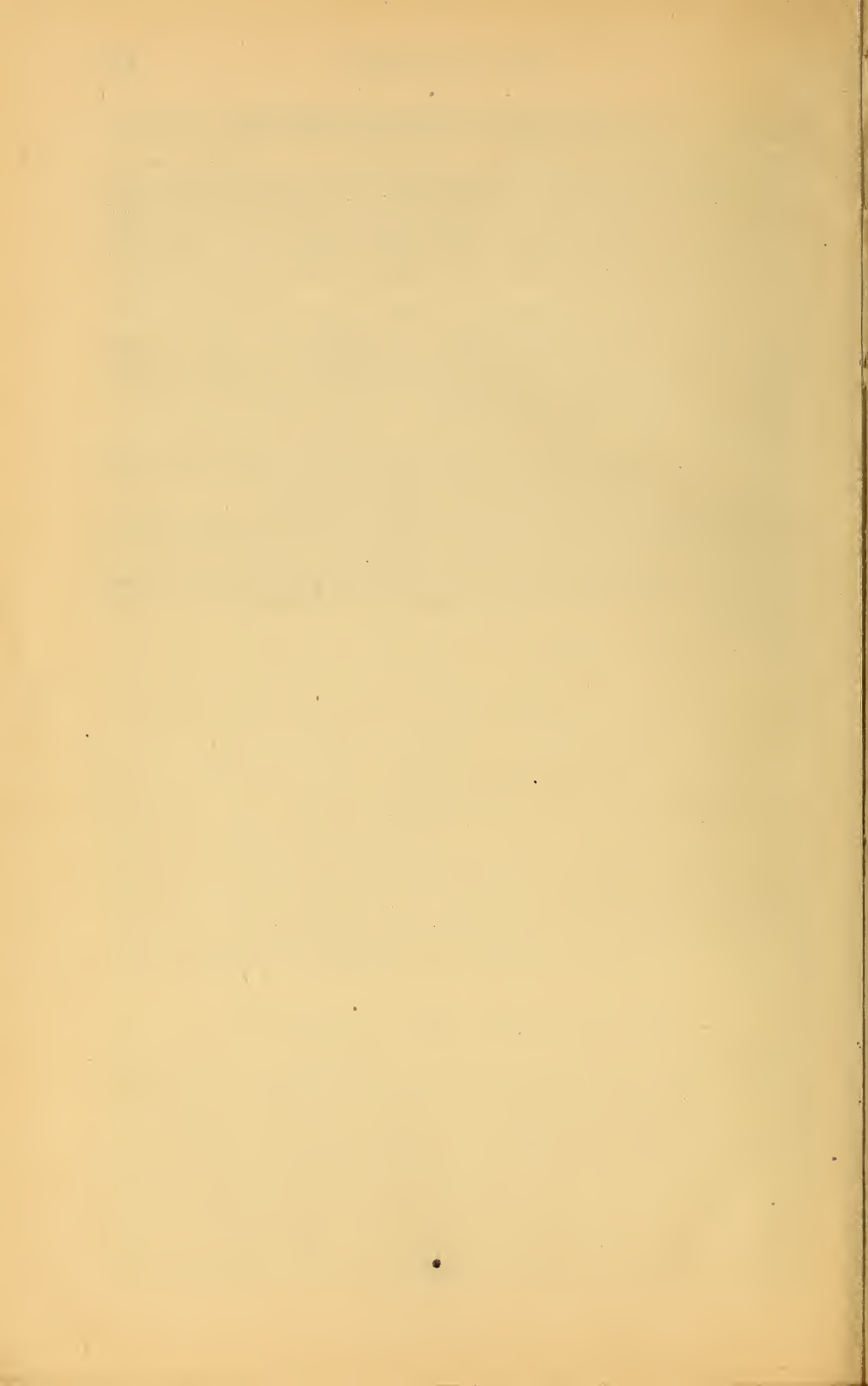
We claim that to lessen the respect for one law in the mind of a citizen means to lessen respect for all law, to a certain extent. The danger arising from such conclusion is the tendency to weaken all moral power necessary to the health of society and to the safety and perpetuity of our Government. "Righteousness exalteth a nation, but sin is a reproach to any people."

With gratefulness we appreciate the favor of a hearing granted by this honorable committee.

In behalf of the National Woman's Christian Temperance Union we return thanks to this honorable body and to Dr. Wilbur F. Crafts and these eminent clergymen for the able argument made in behalf of Sabbath-day observance.

The CHAIRMAN. There is no bill before the committee. The hearing has been upon numerous petitions, 21,000 and upwards at the present session and a very large number at the last Congress. If any gentleman interested in this matter will formulate a bill, or if different gentlemen will formulate different bills and forward them to the committee, it would be of assistance in the way of enabling us to reduce these suggestions to a practical form, so that they can be better considered. The hearing is now closed.

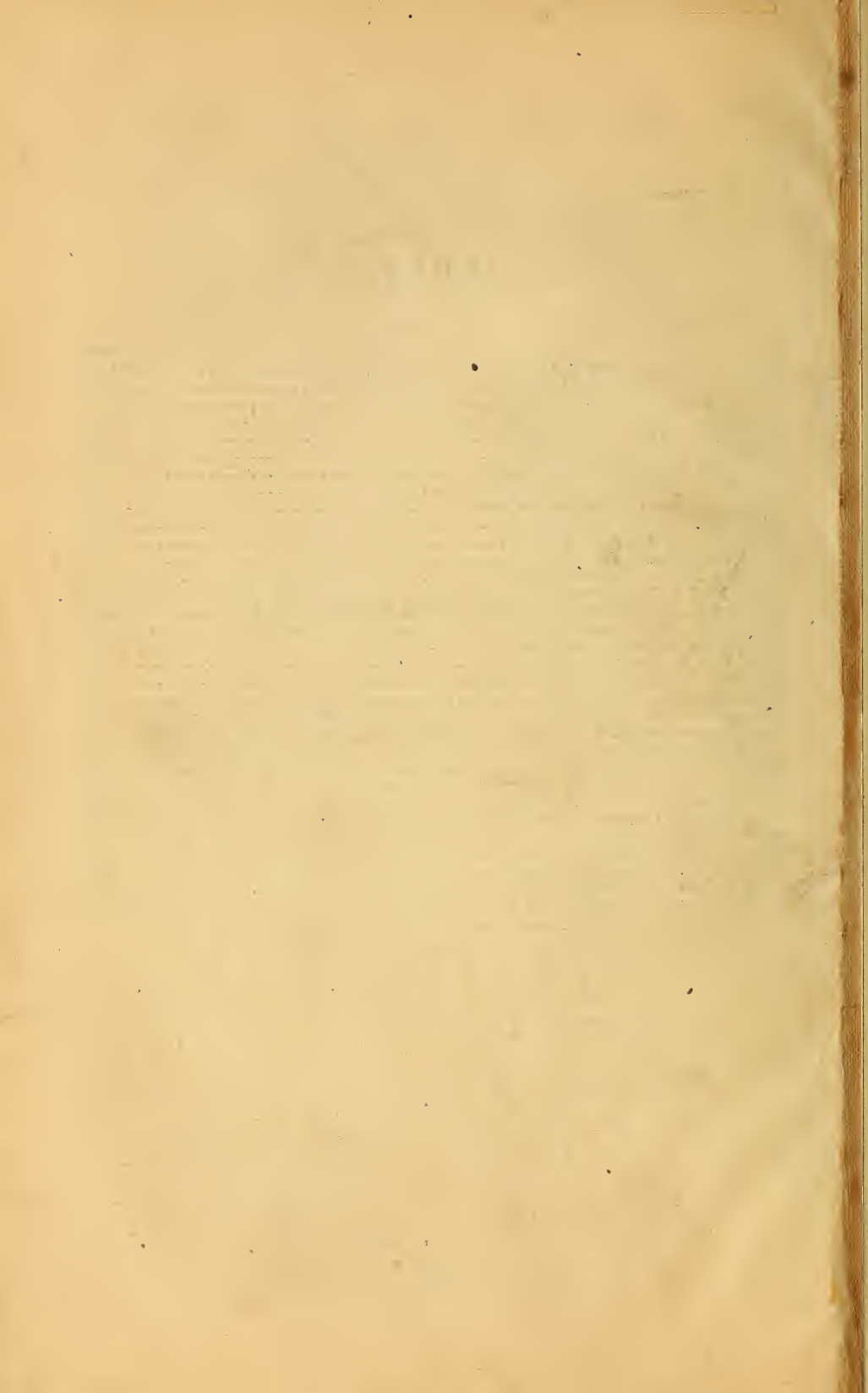




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